

**In the Matter Of:**

**UNITED STATES vs STATE OF GEORGIA**

1:16-cv-03088-ELR

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**SAMUEL CLEMONS, SR.**

*December 15, 2022*

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SAMUEL CLEMONS, SR.  
UNITED STATES vs STATE OF GEORGIA

December 15, 2022

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,  
vs.  
STATE OF GEORGIA,  
Defendants.  
- - - - -

) CIVIL ACTION  
) NO. 1:16-cv-03088-ELR  
)  
)  
)  
)  
)  
)  
)

VIDEOTAPE DEPOSITION OF  
SAMUEL CLEMONS, SR.

Thursday, December 15, 2022, 9:36 a.m., EST

LOCATION OF WITNESS:

Horizon Academy  
2510 West Boulevard  
Moultrie, Georgia 31768

-----  
WANDA L. ROBINSON, CRR, CCR, No. B-1973  
Certified Shorthand Reporter/Notary Public

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APPEARANCES OF COUNSEL

Appearing on Behalf of the Plaintiff:

KELLY GARDNER, ESQUIRE  
CLAIRE CHEVRIER, ESQUIRE  
U.S. Department of Justice  
Civil Rights Division  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20579  
T: 202.305.6630 F:  
E-mail: kelly.gardner@usdoj.gov  
claire.cherier@usdoj.gov

Appearing on Behalf of the Defendant:

JAVIER PICO-PRATS, ESQUIRE (ZOOM)  
MELANIE JOHNSON, ESQUIRE (ZOOM)  
DANIELLE HERNANDEZ, ESQUIRE (ZOOM)  
ANNA EDMONDSON, ESQUIRE (ZOOM)  
Robbins Alloy Belinfante Littlefield LLC  
500 14th Street, N.W.  
Atlanta, Georgia 30318  
T: 404.856.3261  
E-mail: mjohnson@robbinsfirm.com  
dhernandez@robbinsfirm.com  
aedmondson@robbinsfirm.com  
jpicoprats@robbinsfirm.com

Appearing on Behalf of the Witness:

HIEU M. NGUYEN, ESQUIRE  
Harben Hartley & Hawkins LLP  
340 Jesse Jewell Parkway S.E., Suite 750  
Gainesville, Georgia 30501  
T: 770.534.7341 F: 770.532.0399  
E-mail: hn@hhhlawyers.com

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1 ALSO PRESENT VIA ZOOM:

2 U.S. Attorney's Office:

3 SANDRA LeVERT, ESQUIRE

4 RENEE WOHLLENHAUSE, ESQUIRE

5 VICTORIA LILL, ESQUIRE

6 ANDREA HAMILTON, ESQUIRE

7 LAURA CASSIDY TAYLOE, ESQUIRE

8 CRYSTAL ADAMS, ESQUIRE

9  
10  
11 STACEY SUBER-DRAKE, ESQUIRE  
12 Georgia Department of Education  
13  
14  
15  
16  
17

18 ALSO PRESENT:

19 BAILEY DIAZ, Videographer  
20  
21  
22  
23  
24  
25

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1 THE VIDEOGRAPHER: Good morning. We're on  
2 the record. The time is 9:56 a.m., on  
3 Thursday, December 15th, 2022.

4 This is the video deposition of Samuel  
5 Clemons, GNETS Director, taken by the United  
6 States of America versus the State of Georgia,  
7 in the United States District Court for the  
8 Northern District of Georgia, the case number  
9 of which is 1:16-cv-03088-ELR.

10 The videographer today is Bailey Diaz.  
11 Our court reporter is Wanda Robinson, all  
12 representing Esquire Deposition Solutions.

13 Counsel, would you please announce for the  
14 record who you represent, after which the court  
15 reporter will swear in the witness.

16 MS. GARDNER: Kelly Gardner for the United  
17 States.

18 MR. PICO PRATS: Javier Pico Prats for the  
19 defendant.

20 - - - - -

21 SAMUEL CLEMONS, SR.,  
22 being duly sworn, was examined and testified as  
23 follows:

24 EXAMINATION

25 BY MS. GARDNER:

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1 Q Good morning, Mr. Clemons. My name is  
2 Kelly Gardner, and I represent the United States.  
3 I'm going to be taking your deposition today.

4 A Okay.

5 Q Would you please state your full name for  
6 the record.

7 A My name is Samuel Clemons, Sr.

8 Q Thank you.

9 And before we get started, I did want to  
10 note for the record we took the presence of counsel,  
11 and your counsel today stepped outside of the room  
12 for a moment.

13 Are you represented today by Mr. Hieu  
14 Nguyen.

15 A Yes, I am.

16 Q Have you ever been deposed before?

17 A Having been what?

18 Q Deposed before.

19 A Tell me what depose mean.

20 Q Have you ever had your deposition taken  
21 before?

22 A I have not.

23 I have not.

24 Q Your attorney may have explained much of  
25 this to you, but you and I are basically going to

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1 have a conversation today. I'm going to ask the  
2 questions, and your only job is to answer them  
3 honestly and completely.

4 Do you understand that?

5 A I do.

6 Q The court reporter has sworn you in. That  
7 means that everything you say here today is under  
8 oath and must be truthful.

9 Do you understand that?

10 A I do.

11 Q The court reporter is going to write down  
12 what you and I say in order to create a transcript  
13 of our conversation. She can't record a nod or  
14 shake of your head. So in order to make her job  
15 easier, I'm going to ask that you speak clearly and  
16 you give oral answers.

17 Can we agree on that?

18 A We can.

19 Q The only thing that you and I will need to  
20 do is avoid talking over one another. So I will do  
21 my best not to interrupt you when you're answering.  
22 I'm going to ask you to do your best to let me  
23 finish my question before you start to answer.  
24 Okay?

25 A Okay.

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1 Q If at any point you don't understand a  
2 question, you should feel free to stop me and say  
3 so, and then I will try to clarify the question for  
4 you. Okay?

5 A Okay.

6 Q If you need a break at any time, just let  
7 me or your attorney know, and we will finish your  
8 answer if you're in the middle of answering a  
9 question, and then we can see what we can do about a  
10 break. Does that work?

11 A That's fine.

12 Q Sometimes it may happen that you will give  
13 an answer as completely as you can, and then later  
14 on, maybe five minutes, an hour, you may remember  
15 some additional information in response to an  
16 earlier question. If that happens, please just tell  
17 me and we'll give you an opportunity to go back and  
18 supplement your earlier answer. Okay?

19 A Okay.

20 Q Is there any reason you can think of why  
21 you will not be able to answer my questions  
22 completely and truthfully today?

23 A No.

24 Q Do you have any questions for me before we  
25 proceed?

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1 A I do not.

2 MS. GARDNER: I want to just note for the  
3 record that counsel have agreed that all  
4 objections except as to form of which are  
5 reserved until trial.

6 BY MS. GARDNER:

7 Q Mr. Clemons, did you do anything to  
8 prepare for today's deposition?

9 A I did not.

10 Q Did you meet with counsel?

11 A I guess we talked on the phone but not --  
12 initially met him.

13 Q But you did talk with counsel on the  
14 phone?

15 A I did.

16 Q And how long was that conversation?

17 A I'm not sure.

18 Q Ballpark, five minutes? An hour?

19 A Maybe two or three minutes, not long.

20 Q Okay. Did you meet with anyone other than  
21 counsel in preparing for today's deposition?

22 A I have not.

23 Q Have you talked to anyone other than  
24 counsel about today's deposition?

25 A I have not.

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1 Q Have you talked to anyone other than  
2 counsel who has been deposed in this matter about  
3 their deposition?

4 A I have not.

5 Q Did you review any documents in preparing  
6 for today's deposition?

7 A I tried to but I wasn't sure what I was  
8 supposed to review.

9 Q So then I take it you did not actually  
10 review any documents?

11 A I did not.

12 Q Okay. Have you reviewed any other  
13 deposition transcripts in this matter?

14 A I have not.

15 Q I'd like to hand you what is going to be  
16 marked as Plaintiff's Exhibit 704.

17 (WHEREUPON, Plaintiff's Exhibit-704 was  
18 marked for identification.)

19 MS. GARDNER: I want to just note for the  
20 record, you will notice that the documents  
21 today are marked as government exhibits. The  
22 Government is the plaintiff in this case, so I  
23 will refer to them as plaintiff exhibit with a  
24 number.

25 I wanted to just note that for the record.

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1 BY MS. GARDNER:

2 Q Mr. Clemons, have you seen this document  
3 before?

4 A Yes, I think I have. Yeah, I think. Yes.

5 Q And this is a subpoena to testify at a  
6 deposition in a civil action?

7 A Yes.

8 Q And that subpoena is directed to Samuel  
9 Clemons?

10 A Yes.

11 Q Is that you?

12 A Yes.

13 Q Do you see at the top of the document  
14 bears the case name United States versus Georgia?

15 A Yes.

16 Q Do you understand that this deposition is  
17 being taken in connection with litigation against  
18 the State of Georgia?

19 A Yes.

20 Q And do you understand that that litigation  
21 relates to the Georgia Network for Educational and  
22 Therapeutic Support Program?

23 A Yes.

24 Q Are you aware that that program is more  
25 commonly referred to as the GNETS program?



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1 A Yes.

2 Q So if I use the term "GNETS," you will  
3 understand that to mean the Georgia Network for  
4 Educational and Therapeutic Support Program?

5 A I will.

6 Q When did you first learn of this  
7 litigation?

8 A I'm really not sure.

9 Q Do you have any estimate? Was it years  
10 ago, months ago?

11 A I'm still not sure.

12 Q You don't know?

13 A I can't remember.

14 Q How did you first learn about the  
15 litigation?

16 A Um, through -- we have, um, DOE  
17 representatives that we meet with, and I think  
18 that's when I first learned about it.

19 Q Okay. When you say we have DOE  
20 representatives --

21 A GNETS program.

22 Q -- "we" means the GNETS program?

23 A Correct.

24 Q When you say the GNETS program has DOE  
25 representatives, who are the DOE representatives

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1 that you are referring to?

2 A Vickie Cleveland.

3 Q And what is Ms. Cleveland's role as a DOE  
4 representative?

5 A I think she started the GNETS consulting  
6 or liaison person.

7 Q Okay. Does your reference to DOE  
8 representatives include anyone other than Ms.  
9 Cleveland?

10 A There are others that sometimes will  
11 attend the webinar meetings, but -- Lakesha  
12 Stevenson, and I don't know who else, the others.

13 Q So Lakesha Stevenson is another DOE  
14 representative?

15 A Right.

16 Q And when you say other schools attend  
17 webinars and meetings, what webinars and meetings  
18 are you referring to?

19 A We have monthly meetings.

20 Q The GNETS program has monthly meetings?

21 A Yes, sir.

22 Q And those meetings are with the DOE  
23 representatives --

24 A Yes.

25 Q I'm going to ask you to let me finish my

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1 question. We're already talk over each other and  
2 we're going to drive the court reporter crazy.

3 A Okay. Sorry.

4 Q Sort of looking, reaching a little bit  
5 farther back, were there any other representatives  
6 for the GNETS program apart from Ms. Cleveland and  
7 Ms. Stevenson?

8 A Yes. During my first inception of the  
9 program about 11 years ago there were several that  
10 -- some retired, some went other places.

11 Q Okay. And do you -- what are the names of  
12 those others who retired or went other places?

13 A I cannot remember.

14 Q Okay. Are you familiar with Nakeba  
15 Rahming?

16 A Yes.

17 Q Was she one of those former DOE  
18 representatives for the GNETS program?

19 A She was.

20 Q What is your understanding of the nature  
21 of this lawsuit?

22 A Basically, my understanding is that it's  
23 to ensure that all students have the opportunity to  
24 a regular setting. Pretty much.

25 Q Do you understand anything else about the

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1 litigation apart from that?

2 A No.

3 Q In the course of this lawsuit, did Horizon  
4 GNETS program receive a subpoena from the United  
5 States requesting that it provide certain documents  
6 about its regional GNETS program?

7 A Yes.

8 Q Were you involved in responding to that  
9 subpoena?

10 A Yes.

11 Q What role did you play?

12 A I'm' director of the program, so basically  
13 I gathered all the documents.

14 Q Okay. So I take it then that you are  
15 familiar with the documents that were collected and  
16 produced in response to that subpoena?

17 A Yes.

18 Q When did you first become acquainted with  
19 the GNETS program?

20 A 2000 -- '10.

21 Q 2010?

22 A Uh-huh. (Affirmative.)

23 Q And how did you first become acquainted  
24 with the GNETS program?

25 A I took the role of the director of the

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1 program in 2010.

2 Q Had you been aware of the GNETS program  
3 prior to becoming director?

4 A I had.

5 Q And how did you first become aware of the  
6 GNETS program?

7 A I worked in the program but it's not  
8 called -- I guess it was GNETS. I worked in the  
9 program starting in 1982 as a teacher.

10 Q And when you worked in the program in 1982  
11 as a teacher, what, what program location were you  
12 working in?

13 A In the Valdosta location.

14 Q Okay. Was that location a standalone  
15 center or was it a location that was embedded within  
16 a general education facility?

17 A Standalone center.

18 Q And do you recall the address of that  
19 center or where a particular -- particularly where  
20 that center was located?

21 A I don't remember the address. It was  
22 located on James Road.

23 Q On James Road?

24 A Yes.

25 Q At the time that you were a teacher in the

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1 GNETS program, was the GNETS program ever referred  
2 to as -- were the programs ever referred to as  
3 Psycho Ed programs?

4 A Yes.

5 Q That's the same as what we currently know  
6 as the GNETS program?

7 A Right.

8 Q What is the GNETS program?

9 A It's a program that serves children that  
10 have severe emotional behaviors.

11 Q I may be using some acronyms today for  
12 brevity. So I want to go through a few of them to  
13 make sure you and I are on the same page. Okay?

14 A Okay.

15 Q If I use the term "GaDOE," will you  
16 understand that to mean the Georgia Department of  
17 Education?

18 A Yes.

19 Q If I use the term "LEA," will you  
20 understand that to mean local education agency?

21 A Yes.

22 Q If I use the term "RESA," will you  
23 understand that to mean regional educational service  
24 agency?

25 A Yes.

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1 Q If I use the term "GNETS centers," will  
2 you understand that to mean standalone GNETS  
3 locations?

4 A Yes.

5 Q If I use the term "GNETS school-based  
6 locations," will you understand that to mean GNETS  
7 locations that are based in general education  
8 settings?

9 A Yes.

10 Q If I use the term "PBIS," will you  
11 understand that to mean Positive Behavioral  
12 Interventions and Supports?

13 A Yes.

14 Q If I use the term "EBD," will you  
15 understand that to mean emotional and behavioral  
16 disabilities?

17 A Yes.

18 Q And if I use the term "general education  
19 settings," will you understand that to be public  
20 schools in Georgia where children with EBD and other  
21 behavioral health conditions receive instruction and  
22 services alongside children who do not have  
23 disabilities?

24 A Yes.

25 Q I'm going to hand you what is marked as

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1 Plaintiff's Exhibit 705.

2 (WHEREUPON, Plaintiff's Exhibit-705 was  
3 marked for identification.)

4 BY MS. GARDNER:

5 Q Do you recognize this document?

6 A I do.

7 Q Is this a current version of your resume?

8 A Except for references, yes.

9 MS. GARDNER: Do we need to go off the  
10 record? Okay.

11 BY MS. GARDNER:

12 Q Are you currently the director of the  
13 Horizon GNETS program?

14 A I am.

15 Q And how long have you been director of the  
16 Horizon GNETS program?

17 A I think about 12 years.

18 Q And so that's since 2010?

19 A Right.

20 Q Have you served in that role full-time  
21 since 2010?

22 A Yes.

23 Q Have you ever served in a part-time  
24 capacity as director of the Horizon GNETS program?

25 A I have.



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1 Q You say you have?

2 A Yes.

3 Q And when did you serve part-time as  
4 director of the Horizon --

5 A Since 2019 until presently. Present.

6 Q So you presently are a part-time director  
7 of the Horizon GNETS program?

8 A Yes.

9 Q And when you say part-time, sort of what  
10 percentage of full-time are you working?

11 A It's like 49 percent.

12 Q 49 percent?

13 A Yeah.

14 Q So practically, how does that work on a  
15 weekly basis? Is that a certain number of days a  
16 week? How do you divide your time?

17 A Depends. It could be seven days a week.  
18 It could be a week taking days off as needed. So it  
19 depends.

20 Q Okay. Is there anyone else who serves  
21 part-time director to fill in the time when you are  
22 not acting as director of --

23 A Coordinator -- coordinators at each of the  
24 sites.

25 THE COURT REPORTER: Excuse me. I can't

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1 get the question talking over. Can you just  
2 say it again, Kelly. I'm sorry.

3 Q Again, we're going to have to leave some  
4 space between my question and your answer.

5 My question was whether there's anyone  
6 else who serves as a part-time director who fills in  
7 the gaps since you are serving at 49% capacity?

8 A Yes. I have coordinators.

9 Q Go ahead.

10 A I have coordinators when I'm not there  
11 that fill in the gap.

12 Q Okay. How many coordinators do you have?

13 A I have four.

14 Q And are those -- do those four  
15 coordinators correspond to particular sites or are  
16 they distributed in some other manner?

17 A I have two that correspond with the  
18 Valdosta site because the caseloads are very low.

19 Q Because the caseloads are very low?

20 A Yeah.

21 Q What do you mean by that?

22 A The numbers are low. The number of  
23 students that they're serving.

24 Q So you have two coordinators at Valdosta  
25 because the numbers are low?

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1           A     Not Valdosta. The other sites. At the  
2     Tifton site and the Berrien site.

3           Q     So the two coordinators cover those two  
4     sites?

5           A     Right. I think you're misunderstanding  
6     me. Back up.

7                     I have four coordinators and I have -- and  
8     when I'm out, I have a coordinator at the Berrien  
9     site that will fill in sometimes, and I have a  
10    coordinator at the Tifton site that will fill in  
11    because they're numbers at both of those sites are  
12    low.

13          Q     Okay. And where are the other two  
14    coordinators located?

15          A     I have one in Moultrie and then I have one  
16    at the Valdosta site.

17          Q     The coordinators at Moultrie and Valdosta,  
18    are those full-time coordinators?

19          A     Yes.

20          Q     Is the coordinator at the Berrien site  
21    full-time?

22          A     Yes.

23          Q     And is the coordinator at the Tifton site  
24    full-time?

25          A     Yes.

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1 Q You said the numbers at Berrien and Tifton  
2 are low?

3 A Yes.

4 Q Are the numbers at Valdosta low?

5 A No.

6 Q Are the numbers at Moultrie low?

7 A No.

8 Q Have you ever had any interim director of  
9 the Horizon GNETS program serve during the time  
10 you've been serving as part-time director?

11 A No.

12 Q I'd like to hand you what is going to be  
13 marked as Plaintiff's Exhibit 706.

14 (WHEREUPON, Plaintiff's Exhibit-706 was  
15 marked for identification.)

16 BY MS. GARDNER:

17 Q This is an email from you to Vickie  
18 Cleveland, dated May 7, 2018, with the subject:  
19 "Re: Federal Programs conference."

20 This email is the most recent in a longer  
21 email thread.

22 The document is Bates-stamped GA00320913.  
23 Do you recognize this document?

24 A Yes.

25 Q And am I correct that you write in your

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1 email to Ms. Cleveland: "I will return in June  
2 full-time through the transition and then 49  
3 percent." Is that right?

4 A Yes, that's correct.

5 Q Is 2018 when you first began working at 49  
6 percent as --

7 A That's correct.

8 Q -- as GNETS director?

9 A That's correct.

10 Q In the immediately preceding email, which  
11 Ms. Cleveland wrote to you, also on May 7, 2018, she  
12 says: "I received a communication from Sara stating  
13 that you have retired and that she is serving in an  
14 interim role. What is your official status?"

15 Do you see that?

16 A Uh-hum. (Affirmative.)

17 Q Who is Sara?

18 A Sara Larazi. She was the interim  
19 coordinator -- director when I retired, when I first  
20 retired.

21 Q Okay.

22 A When I retired rather.

23 Q And was the time that you retired 2018?

24 A Right, 2018.

25 Q Okay. When you retired?

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1 A Right.

2 Q How long did she serve as interim  
3 director?

4 A I think it was maybe about four or five  
5 months. I think I retired in March, if I'm correct.

6 Q So she served as interim director for four  
7 to five months --

8 A Four or five months. I'm not sure.

9 Q Four to five months.

10 A Correct.

11 Q Okay.

12 A Right.

13 Q And then what happened after that four to  
14 five months --

15 A Then I came back as part --

16 Q What happened after that four- to  
17 five-month time period?

18 A After the four or five months, I came back  
19 as part-time director.

20 Q Okay. And that's when you were working 49  
21 percent?

22 A Right, correct.

23 Q And from that period of time until today  
24 you continue to work 49 percent?

25 A That's correct.

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1 Q Okay. And your email to Ms. Cleveland  
2 refers to a transition. Do you see that?

3 A Is that on the first paper?

4 Q Yes. Where you say: "I will return in  
5 June full time through the transition and then 49  
6 percent"?

7 A Yes.

8 Q What transition is this referring to?

9 A The program moved to a different location,  
10 from under Lowndes County schools fiscal agent to  
11 RESA as a fiscal agent.

12 Q So when you say the program moved from  
13 Lowndes County to RESA, you're referring to a change  
14 in who was serving as the fiscal agent for the  
15 Horizon GNETS program?

16 A No -- well, I'm saying changing -- serving  
17 as fiscal agent, along with moving the program  
18 physically to a different location, the Valdosta  
19 site.

20 Q So there was both a change who was serving  
21 as a fiscal agent for the Horizon GNETS program and  
22 a change in the physical location in the Valdosta  
23 Horizon GNETS site?

24 A That's correct.

25 Q And for the fiscal agent part of that,

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1 Lowndes County had previously served as the fiscal  
2 agent for Horizon GNETS, and then the GNETS program  
3 was moving over to have its fiscal agent be a RESA?

4 A Right.

5 Q And which RESA?

6 A Costal Plains RESA.

7 Q Coastal Plains RESA.

8 When you say that the Valdosta Horizon  
9 GNETS site location was moved, where was it moved  
10 from and where was it moved to?

11 A Okay. Physically it was located in  
12 Lowndes County before, and it moved to Valdosta  
13 City, a location in Valdosta City schools.

14 Q What had been the location when it was in  
15 Lowndes County?

16 A It was located in the Parker Mathis  
17 Building.

18 Q When it moved to Valdosta City, where was  
19 the location?

20 A It was located in the Valdosta High School  
21 building, their own building. A former building.

22 Q So Valdosta --

23 A A wing of that.

24 Q So Valdosta High School had vacated a  
25 building and the GNETS Horizon Valdosta Center moved



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1 into a wing of the old Valdosta High School?

2 A That's correct.

3 Q And that moved happened in 2018?

4 A I think.

5 Q Okay. 2018 is when you're having this  
6 conversation with Ms. Cleveland, correct?

7 A Yes.

8 Q Prior to serving as director of the  
9 Horizon GNETS program, you held several positions  
10 within the Lowndes County school system; is that  
11 correct?

12 A I did.

13 Q Is Moulton Branch Elementary School within  
14 Lowndes County?

15 A It is.

16 Q And you served as assistant principal at  
17 that elementary school?

18 A I did.

19 Q From 1997 to 1999?

20 A Yes.

21 Q And then you also served assistant  
22 principal of Lowndes High School Ninth Grade Academy  
23 from 1999 to 2000?

24 A That's correct.

25 Q And from 2000 to 2010, you were principal

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1 of Lowndes Middle School, which served grades six  
2 through eight?

3 A That's correct.

4 Q As an assistant principal and principal  
5 within Lowndes County, did you have any involvement  
6 with referrals of Lowndes County students to GNETS?

7 A At Moulton Branch, very few. None at the  
8 high school.

9 Q So you were involved with a few at Moulton  
10 Branch Elementary School but none at the high  
11 school?

12 A Yes.

13 Q And for the few referrals to GNETS that  
14 were you involved in Moulton Branch Elementary  
15 School, what was the nature of your involvement?

16 A Pretty much attending IEP meetings.  
17 Making sure that the testing data, we got it back to  
18 the school, our data.

19 Q Did you have any other involvement with  
20 the GNETS program while serving as a principal or  
21 assistant principal within Lowndes County?

22 A As principal I had some involvement also.

23 Q And what was your involvement as  
24 principal?

25 A There were some, some referrals. And then

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1 again attending IEP meetings, and also gathering  
2 data from assessments, state assessments to be  
3 included in our assessment data.

4 Q Did any of the schools where you served as  
5 a building administrator within Lowndes County have  
6 GNETS classrooms within them?

7 A No.

8 Q On your resume it also says that you were  
9 a vocational consultant/evening administrator of  
10 alternative program.

11 Do you see that?

12 A Yes.

13 Q That was from 1994 to 1997?

14 A Uh-hum. (Affirmative.) Yes.

15 Q Would you tell me more about that role?

16 A At the GNETS program the vocational  
17 consultant, and that was -- I found jobs for some of  
18 the students and we went out in afternoons and they  
19 worked part-time to learn skills.

20 Q So this reference to vocational consultant  
21 is you serving as a vocational consultant at a GNETS  
22 program?

23 A Correct.

24 Q And that was the Horizon GNETS program?

25 A Yes.

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1 Q And you mentioned that you helped students  
2 find jobs?

3 A Right, yes.

4 Q What was the grade level range for  
5 students that you were working with at that time?

6 A They were high school students.

7 Q And when you say you helped them find  
8 jobs, were these part-time jobs? Full-time jobs?

9 A They were non-paying part-time jobs.

10 Q So opportunities for them to learn some  
11 sort of skill or trade?

12 A Vocational skills, yes.

13 Q And you say -- you noted that you went out  
14 in the afternoons, you went out with the students to  
15 those job environments?

16 A Yes.

17 Q This same entry on your resume, it says  
18 that you were also evening administrator of the  
19 Moulton program. Do you see that?

20 A Yes.

21 Q Is that connected in some way to your role  
22 as vocational consultant?

23 A No. It's totally different.

24 Q And what was the evening administrator for  
25 the alternative program?

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1           A     In that alternative program we had an  
2     evening program and I was the evening administrator  
3     -- one of the evening administrators. We had two  
4     for that alternative program.

5           Q     And what -- what was the sort of  
6     population served by the alternative program?

7           A     I'm not sure. I know it was like a credit  
8     recovery program, alternative program.

9           Q     And were those Lowndes County students in  
10    the alternative program?

11          A     Yes, all. All Lowndes County students.

12          Q     And they were doing credit recovery?

13          A     Some of them credit recovery, and some of  
14    them had been there because they had been sent their  
15    due to whatever, for whatever reasons.

16          Q     Were any of those reasons sort of  
17    behavioral or disciplinary?

18          A     Some were and some were because high  
19    school pregnancy, didn't finish school so they came  
20    to the evening program.

21          Q     And students who came to the evening  
22    program, were those students also in school during  
23    the day or were they students who were working or  
24    doing other things?

25          A     Working, and attending the program in the

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1 afternoons.

2 Q What was your role as the evening  
3 administrator?

4 A Much like an assistant principal.  
5 Checking on their grades. Staff counseling that  
6 worked with them as far as counseling them, dealing  
7 with some behaviors. Stuff like that.

8 Q And when you say dealing with some  
9 behaviors, what do you mean by that?

10 A We had some students that had some  
11 behavior issues in the alternative program.

12 Q I'm sorry. Did you say behavior issues or  
13 heavy issues?

14 A Behavior issues.

15 Q Behaviors issues.

16 A Right.

17 Q Okay. And in terms of your dealing with  
18 those behaviors, how would you deal with those  
19 behaviors?

20 A In most settings the teacher would call  
21 and say the student is having some problems, he's  
22 being defiant or whatever. And my role was -- as  
23 evening administrator was call the person out and we  
24 would talk. I would usually talk with them.  
25 Sometimes I get parents involved, and sometimes I

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1 get the counselor involved, trying to figure out  
2 what the issue was.

3 Q Okay. And you noted that you had a  
4 counselor on staff at the alternative program?

5 A Part-time counselor.

6 Q And was that a -- what was the part-time  
7 counselor's sort of background? Was it school  
8 counselor? Was it like a licensed practical  
9 counselor?

10 Do you have a sense of what their  
11 credentials were?

12 A It was a school counselor.

13 Q Just so I'm clear on your role as  
14 vocational consultant to the GNETS program, that was  
15 at the Valdosta site or where was that located?

16 A It was at the Valdosta site.

17 Q Your resume indicates that from 1984 to  
18 1994 you served as a special education teacher of  
19 emotional disturbed students/developmentally  
20 disabled students.

21 Where were you employed at that time?

22 A This is a program that was started with  
23 Valdosta State College at the time and we were  
24 located at Parkwood Development Center on Lee  
25 Street. That's where that program is located at.

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1 Q And you say it's a program that was  
2 started with Valdosta State College. Was that  
3 program staffed by Valdosta State College? What was  
4 Valdosta State College's involvement?

5 A It was a Valdosta State College program  
6 and the staff -- we were actually teachers of  
7 Valdosta State College, but the program was located  
8 at Parkwood Development Center with those students,  
9 those students that were located in the center.

10 Q What was the grade range of the students  
11 located at Parkwood Development Center?

12 A It was multi grade.

13 Q What was the range?

14 A From six to 12 -- I mean sixth grade to  
15 twelfth grade.

16 Q So the program served students from sixth  
17 grade to twelfth grade, and all of the teachers in  
18 the program were actually employed by Valdosta State  
19 College?

20 A That's correct.

21 Q Was the program located in a single site?

22 A At first it was located at a single site,  
23 and then I think it branched out to another site,  
24 that I'm not familiar with.

25 Q Okay. Was there any connection between



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1 the students at the Parkwood Development Center and  
2 students in GNETS?

3 A No. Totally different.

4 Q How were students referred -- or how did  
5 students come to find themselves at the Parkwood  
6 Development Center?

7 A We served students in Parkwood Development  
8 Center. They were not sent to us. They were  
9 students that were in the home environment.

10 Q Is Parkwood Development Center like a  
11 residential treatment facility?

12 A Right, it is.

13 Q Did you teach any particular subjects as a  
14 special education teacher at Parkwood Development  
15 Center?

16 A I taught all subjects.

17 Q Had any of the students that you taught  
18 while at Parkwood Development Center previously been  
19 served in the GNETS program?

20 A I'm not sure.

21 Q Did any of those students leave Parkwood  
22 Development Center to go to a GNETS program?

23 A I'm not sure.

24 Q On your resume it says from 1980 to 1984  
25 you were a special education teacher for Valdosta

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1 State College, and then it says Special Project,  
2 working with developmentally disabled students.

3 Is this a different project than Parkwood  
4 Development Center?

5 A That's the same project.

6 Q Okay. So then it sounds like you were  
7 working with Parkwood Development Center from 1980  
8 until 1994?

9 A Uh-hum -- that's not correct.

10 1980 -- I'm sorry. 1984 -- no, that's not  
11 correct.

12 That's not correct. That's an error.

13 Q Why don't you tell me what it should say.

14 A 19 -- 1977 to 19 -- 1984, I was direct  
15 staff care person at a group home. Then 1984 --  
16 1984 -- 1980 to '84, that was a special project at  
17 Valdosta State College, and I worked as a teacher in  
18 that program.

19 Q At Parkwood Development Center?

20 A Right.

21 Then 1984 to 1994, that's where I taught  
22 at the -- in the CPES program.

23 Q Steps?

24 A CPES, C-P-E-S. That's what it was called  
25 then.

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1 Q Okay.

2 A And then at the same time I listed 1994 --  
3 back in 1997, 1994, is where I still taught at the  
4 CPES program but I also worked as an administrator  
5 in the alternative program and I worked in  
6 afternoons as a vocational consultant for the CPES  
7 program.

8 So at the CPES program, I was still at the  
9 CPES program from 1997, '94, I was still at the CPES  
10 program at as a teacher but afternoons I went to the  
11 alternative program, which was next door and worked  
12 in that program as administrator.

13 Q So let me make sure I understand.

14 From 1984 to 1994, where it says special  
15 education teacher of emotional disturbed students,  
16 that was in the CPES program?

17 A Right.

18 Q And CPES is CPS?

19 A Right. It was called CPES. I think it's  
20 C-P-E-S.

21 Q C-P-E-S?

22 A I think.

23 Q And what does CPES stand for?

24 A Comprehensive psychological -- I can't  
25 remember.

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1 Q Okay. Is the CPES program affiliated with  
2 any particular school district or entity?

3 A The CPES program actually was a GNETS  
4 program. It was just named CPES.

5 Q Okay. So from 1984 to 1994, you were a  
6 special education teacher and you were teaching in a  
7 GNETS program?

8 A That's correct.

9 Q Okay. And you continued teaching in that  
10 GNETS program as a special education teacher from  
11 1994 to 1997?

12 A That's correct.

13 Q And then you also, in the afternoons or  
14 evenings, served as a vocational consultant, and  
15 then evening administrator --

16 A That's correct.

17 Q -- in the alternative program?

18 A That's correct.

19 Q And then Parkwood Development Center,  
20 where you served as a special education teacher, was  
21 from 1980 to 1984?

22 A That's right.

23 Q You mentioned that you also were part of a  
24 direct care staff. Is this also for a residential  
25 center?

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1 A No. It was a -- they called it a group  
2 home. I'm not sure what it is.

3 Q Okay. And when you say group home, is  
4 that children who are in foster care?

5 A No, no, no. These are students that are a  
6 severely emotional -- severely developmentally  
7 delayed, and these are adults and they live in a  
8 house, and I worked as a foster parent -- not a  
9 foster parent. As care staff.

10 Q And what was your role as a direct care  
11 staff member?

12 A Pretty much when they came in from -- they  
13 went to a local center and then when they came in  
14 the afternoons, pick them up from work, and came  
15 back, make sure -- supervise them doing baths,  
16 cooking, supervised cleaning, that kind of stuff.

17 Q Did you provide any therapeutic services  
18 in that setting?

19 A I did not.

20 Q In these other settings that are listed  
21 here, had you directly provided any therapeutic  
22 services as part of your roles?

23 A When you say other settings, what settings  
24 are you talking about?

25 Q You all these settings that are listed on

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1 your resume.

2 A As assistant principal, I did not.

3 Q Okay.

4 A As principal, I did not.

5 Q Okay.

6 A Okay. As a vocational consultant I did.

7 When I worked at the GNETS program, we did.

8 And at the evening -- administrative  
9 alternative program, I did not.

10 Q So you said as a vocational consultant you  
11 did provide therapeutic services?

12 A Yes.

13 Q What therapeutic services did that  
14 involve?

15 A We did a lot of role playing. We did a  
16 lot of life skills things. We did a lot of  
17 character education, those kinds of things.

18 Q And you, you personally led those things?

19 A Yes, I did.

20 Q Then what about as a special education  
21 teacher?

22 A Within the classroom? We had a segment  
23 where we did therapeutic things for students. Some  
24 of the things just don't know.

25 Q Anything in addition to the things that

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1 you just talked about?

2 A What do you mean?

3 Q So you mentioned that the therapeutic  
4 services that you provided as a vocational  
5 consultant were role playing, life skills, and  
6 character education. I'm asking as a special  
7 education teacher, did you deliver any therapeutic  
8 services that would not fall into those three  
9 categories?

10 A They would fall into those three  
11 categories.

12 THE COURT REPORTER: I'm sorry. Repeat  
13 your answer.

14 A I said no. They would fall into those  
15 three categories.

16 Q We talked quite a bit about your actual  
17 working experience, but I want to make sure we cover  
18 your educational degrees.

19 Can you tell me what educational degrees  
20 you hold?

21 A I have a master's in behavior science,  
22 special education -- not a master's. Back up.

23 I have a B.S. degree in behavior science,  
24 special education.

25 I have a master degree in educational

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1 leadership and supervision.

2 I have an educational specialist degree,  
3 and then I have a doctor of education.

4 Q Okay. And starting with the bachelor's  
5 degree, where did you receive your bachelor's  
6 degree?

7 A Valdosta State College at the time.

8 Q Okay. And that was in 1980?

9 A Yes.

10 Q And where did you receive your master of  
11 educational leadership and supervision?

12 A Valdosta State College.

13 Q And that was in 1994?

14 A Yes.

15 Q And where did you receive your education  
16 specialist degree?

17 A Valdosta State University, I think at the  
18 time.

19 Q Okay. And that was 1997?

20 A Uh-hum. (Affirmative.)

21 Q And what about the doctor of education?

22 A Nova Southeastern University.

23 Q And that was in 2005?

24 A Yes.

25 Q The doctor of education, was that focused



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1 in a particular area?

2 A Leadership.

3 Q Do you hold any other professional  
4 licenses apart from your educational degrees?

5 A No.

6 Q Are you content certified in any areas?

7 A Yes.

8 Q What areas are you content certified in?

9 A Life skill. I think in math.

10 I'm not sure. I have a teacher  
11 certificate and I think it's life skills, I think.

12 Q Okay. You mentioned math as well?

13 A I'm not sure about that.

14 Q But you are content certified in life  
15 skills?

16 A Yes, and it would be the areas that are  
17 listed in life skills. The content areas listed on  
18 that certificate.

19 Q What areas are those?

20 A I'm not sure.

21 Q Is that certification current?

22 A It expires 2023.

23 Q Do you hold any other credentials that are  
24 relevant to your work in the GNETS context?

25 A No.

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1 Q To whom do you report currently?

2 A To comprehensive -- Coastal Plains RESA.

3 Q And who in particular at Coastal Plains  
4 RESA?

5 A Wes Taylor.

6 Q What is Wes Taylor's title?

7 A He's the RESA director.

8 Q Okay.

9 A Coastal Plains RESA director.

10 Q Does Wes Taylor evaluate you?

11 A He does.

12 Q Are you evaluated using LKES?

13 A Wes Taylor is new. So the former director  
14 was Dan -- I mean was Heard, and he did not use  
15 LKES, I don't think.

16 Q You said the former director was heard?

17 A Right. Lance Heard.

18 Q Lance Herd. You said he did not use LKES?

19 A No, he did not.

20 Q Do you know if Wes Taylor will be using  
21 LKES?

22 A I do not.

23 Q Do you report to anyone other than Wes  
24 Taylor?

25 A We have a Board of Control. I'm not sure

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1 I report to them or they are sort of part of that  
2 network.

3 Q When you say "we have a Board of Control,"  
4 who's "we"?

5 A I should have said I. I have a Board of  
6 Control and that Board of Control is made up of the  
7 superintendents in the Coastal Plains RESA area.

8 Q Is that technically the RESA's Board of  
9 Control?

10 A It is.

11 Q When you say the Board of Control is made  
12 up of the superintendents in the Coastal Plains RESA  
13 area, which are the school systems that those  
14 superintendents come from?

15 A Okay. I think we have Colquitt, we have  
16 Tifton, we have Ben Hill, we have Turner, we have  
17 Irwin, Valdosta City, Lowndes County, we have  
18 Brooks, we have Echols.

19 I think that's it. It's about 11, I  
20 think. I think it's about 11.

21 Q Does the Horizon GNETS program serve  
22 students from all the counties that you just named?

23 A Yes.

24 Q Does anyone report to you as director of  
25 the Horizon GNETS program?

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1 A What do you mean?

2 Q Do you have any staff who report to you?

3 A Yes, I do.

4 Q How many?

5 A I have four coordinators that report  
6 directly to me.

7 Q Does anyone else report directly to you?

8 A Um, I think that's it.

9 Q Are there additional staff at Horizon  
10 GNETS who in turn report to the four coordinators?

11 A I'm not sure what you're asking.

12 Q Are there other staff who report to your  
13 four coordinators?

14 A Yes.

15 Q And would those generally speaking be  
16 staff at the Horizon GNETS program?

17 A Yes.

18 (WHEREUPON, Plaintiff's Exhibit-707 was  
19 marked for identification.)

20 BY MS. GARDNER:

21 Q I'll hand you what is marked as  
22 Plaintiff's Exhibit 707.

23 This is a brochure providing information  
24 about the Horizon GNETS program.

25 Do you recognize this document?

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1 A I do.

2 Q Who created this document?

3 A I'm not sure.

4 Q Okay. Am I correct this brochure provides  
5 information about the Horizon GNETS program?

6 A Yes.

7 Q And this says that Horizon Academy is one  
8 of the 24 programs statewide comprising of Georgia  
9 Network for Educational and Therapeutic Support,  
10 correct?

11 A Yes.

12 Q And it goes on to say, on the first page,  
13 in the first paragraph, under "What is Horizon  
14 Academy?" That it is funded by the Georgia General  
15 Assembly through the Georgia Department of  
16 Education, Special Education Services and Supports?

17 A That's correct.

18 Q What is Horizon's mission?

19 A To provide support and assist students  
20 ages five through 21 with emotional and behavior  
21 disorders to reach their full potentials.

22 Q Given this mission statement, would you  
23 say that most of the students in the Horizon GNETS  
24 program have EBD?

25 A You're saying EBD. I'm saying SEBD,

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1 severe behavioral issues, not just EBD

2 Q Okay. So you would say that the majority  
3 of students in the Horizon GNETS program have severe  
4 emotional and behavioral disorders?

5 A Yes.

6 Q Or just severe behavioral disorders?

7 A Severe emotional behavior disorders.

8 Q Okay, understood.

9 And am I correct that this brochure  
10 defines a student with an emotional and behavioral  
11 disorder as one who exhibits, and then there's a  
12 list of five characteristics of emotional/behavioral  
13 disorder here?

14 A Yes.

15 Q And it says in this document that a  
16 student with EBD would exhibit one or more of those  
17 emotionally-based characteristics of sufficient  
18 duration, frequency and intensity that it or they  
19 interfere significantly with educational performance  
20 to the degree that provision of special education  
21 services are necessary, correct?

22 A Yes.

23 Q Moving down, there's a section on the  
24 services offered at Horizon. Do you see that?

25 A I do.

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1 Q The first bullet point there says:  
2 "Direct therapeutic services, evaluation and  
3 assessment and other services as appropriate."

4 Do you see that?

5 A I do.

6 Q Under Direct Services, and just talking  
7 specifically only about direct therapeutic services,  
8 what is included in direct therapeutic services in  
9 terms of the offerings at Horizon Academy?

10 A Okay. We have outside source, such as  
11 Family Counseling for Insight.

12 Q I'm sorry. Can you repeat that?

13 A Outside source that does -- comes in the  
14 school and does counseling services, which is  
15 therapeutic counseling services for students.

16 We have programs, Second Steps that we do,  
17 as far as being therapeutic.

18 We do PBIS, positive behavior  
19 interventions strategies. That's therapeutic.

20 We do character education. That's  
21 therapeutic.

22 We do Check and Connect, and several other  
23 programs that are therapeutic.

24 Q Okay. Anything else?

25 A Probably so, but I can't think of them

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1 right now.

2 Q So you mentioned there is an outsource  
3 that provides therapeutic counseling?

4 A Yes.

5 Q What is the name of that outside source?

6 A Family Insight.

7 Q Family Insight.

8 And in terms of therapeutic counseling  
9 that they provide, do they come to Horizon GNETS  
10 program locations to provide that, or does Horizon  
11 connect students to those services for them to  
12 receive services outside of the school day?

13 A They come to the program.

14 Q Do they come to you all of your program  
15 locations?

16 A Yes.

17 Q And how many counselors from Family  
18 Insight serve the Horizon GNETS program?

19 A There -- they serve each program so many  
20 days per week. The Valdosta site, which is the  
21 larger program, I think they do two days per week,  
22 maybe two and a half days a week. One day here in  
23 Colquitt, and I think they do one day in Cook, and  
24 then one day in Tift.

25 Q And what about Berrien?



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1           A     I said Cook and Berrien is together, okay.  
2     Cook, Berrien, Tift, and then Colquitt.

3           Q     And when they serve on these numbers of  
4     days per week for given sites, how many counselors  
5     are coming out to the site?

6           A     It depends. Usually about two. But it  
7     depends.

8           Q     Approximately how many students within the  
9     Horizon GNETS program are currently receiving  
10    counseling services through this outside provider?

11          A     I can't give you a number, but it's over  
12    half.

13          Q     Over half?

14          A     Yes.

15          Q     You mentioned Second Steps is another  
16    direct --

17          A     It's a program --

18          Q     -- therapeutic service you use?

19          A     I'm sorry. That's a program that we use  
20    in-house.

21          Q     And what is Second Steps?

22          A     Basically it does a lot of therapeutic  
23    lessons for children. It has a lot of lessons that  
24    you do that are therapeutic, a lot of therapeutic  
25    lessons, those kind of things.

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1 Q Is Second Steps an online program?

2 A Some of it is and some of it is not.

3 Q The portion of it that is not, how is the  
4 program delivered?

5 A By the teacher.

6 Q So is Second Steps a curriculum?

7 A Yes.

8 Q And would it be considered a social  
9 emotional learning curriculum or something else?

10 A Socio/emotional learning curriculum.

11 Q How long has the Horizon GNETS program  
12 been using Second Steps?

13 A Probably about four years. It's about  
14 four years.

15 Q And in terms of the frequency with which  
16 that curriculum is delivered, how many times per  
17 week are students receiving installments from Second  
18 Steps?

19 A The schedule, the schedule is fixed. So  
20 it's embedded daily. They're getting some piece of  
21 that every day.

22 Q And for how many minutes per day or how  
23 long each day?

24 A It depends. Usually we try to block out  
25 at least 30 minutes per day.

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1 Q And is that for every single student at  
2 every grade level?

3 A All except the life skills class. They  
4 use TeachTown.

5 Q And what is the life skills class?

6 A Those are the ones that are very, very,  
7 very low. We have -- yeah, the students that are  
8 very low.

9 Q And when you say students that are very  
10 low, are you referring to students who have more  
11 severe developmental delays?

12 A Yes.

13 Q Are those students on a functional  
14 curriculum?

15 A Most of them are, yes.

16 Q And is that functional curriculum what  
17 you're referring to as the life skills class?

18 A Yes.

19 Q How many students within the Horizon GNETS  
20 program approximately fall into that functional  
21 curriculum class group of students?

22 A Okay. I'm guessing, okay. We have  
23 probably about 12 at the -- no, no, no. Probably  
24 about 15 at the Valdosta location. We have four  
25 here. Okay. And they're just at the Valdosta

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1 location and at the Colquitt site. We don't have  
2 any in Tifton or the Cook/Berrien site -- yes, we  
3 do. Sorry. At the Cook site we have -- at the  
4 Berrien site we have 10. I think.

5 Q Okay. So does approximately 30 students  
6 sound correct to you?

7 A Probably approximately 20. I'm not sure  
8 of that.

9 Q And you said students on the functional  
10 curriculum use TeachTown?

11 A Yes.

12 Q And what is TeachTown?

13 A TeachTown is a primitive canned  
14 computerized program, and it does the basics and it  
15 does social skills.

16 Q And how often do students receive social  
17 skills curriculum through TeachTown?

18 A That's daily.

19 Q For how many minutes a day?

20 A Usually that program is about 50, 60  
21 minutes per day.

22 Q And is that for all students at all grade  
23 levels?

24 A Yes.

25 Q You also mentioned character education as

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1 a direct therapeutic service?

2 A Yes.

3 Q And what does that mean?

4 A Daily each teacher provides a character  
5 education lesson, and that's usually first thing in  
6 the morning. It's about 30 minutes in the morning.

7 Q And that's separate from Second Steps?

8 A It is.

9 Q And separate from TeachTown?

10 A Yes.

11 Q Is that character education lesson  
12 standardized in any way across the various Horizon  
13 GNETS locations?

14 A Yes.

15 Q Who develops those standardized  
16 educational lessons?

17 A It's a canned curriculum that we have.

18 Q What's the name of that curriculum?

19 A I'm not sure.

20 Q How long have you had that curriculum?

21 A I'm not sure. I think it's been over five  
22 years. I'm not sure.

23 Q Any of those direct services included in  
24 the character education curriculum?

25 A I don't understand what you're saying.

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1 Q Are there any other direct therapeutic  
2 services that fall into the category of character  
3 education apart from the standardized curriculum you  
4 just mentioned?

5 A No.

6 Q No?

7 A (Witness shakes head in the negative.)

8 Q You also mentioned Check and Connect?

9 A Yes.

10 Q What is Check and Connect?

11 A That's when students first come in in the  
12 mornings and you greet them at the door and you  
13 pretty much check, see how they are doing, and then  
14 you try to make connection with them daily.

15 Q Okay. Any other direct therapeutic  
16 services for Horizon GNETS students that we haven't  
17 covered that you can think of?

18 A I'm sure there are others but I can't  
19 think of them right now.

20 Q This also references evaluation. Do you  
21 see that?

22 A Yes.

23 Q What kind of evaluation do students  
24 receive?

25 A Usually when students come to us -- before

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1 they come to us, the LEA has to do an FBA, and from  
2 the FBA develop a BIP.

3 Q That FBA, BIP, are those requirements?

4 A Yes.

5 Q And who requires that?

6 A That's something we require. That's part  
7 of our intake, initial intake.

8 Q Who determines what the requirements of  
9 the initial intake form will be?

10 A That's a form we got from the state, DOE.

11 Q You keep referring to a form. Is there a  
12 particular name of that form or --

13 A There is, and I can't think of the name of  
14 that. There's a document that we use to initiate  
15 the intake of students.

16 Q Okay. And that document tells you the  
17 various things that you are required to do or to  
18 meet before you can take the student in?

19 A Right, it is.

20 Q Anything else included within the  
21 valuation here apart from the FBA and the BIP?

22 A Sometimes there might be an evaluation  
23 that's done by the psychological -- by the  
24 psychologist before students enter the program.

25 Q Does Horizon GNETS do FBAs and BIPs once a

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1 student is already within the Horizon GNETS program?

2 A We do.

3 Q And who, who -- who on the Horizon GNETS  
4 staff would be responsible for that?

5 A We have trained -- we call them consultant  
6 teachers. They've been trained to do the FBAs and  
7 they train the staff to do those FBAs and BIPs.

8 Q Does the Horizon GNETS program do any  
9 psychological evaluations once a student is within  
10 the Horizon GNETS program?

11 A No. LEA does that.

12 Q Any other kinds of evaluations that we  
13 haven't talked about?

14 A I'm sure there are others but I can't  
15 think of them right now.

16 Q And then this mentions assessment. Do you  
17 see that?

18 A I see.

19 Q And what does that mean?

20 A Repeat that again now. What did you say?

21 Q I'm just -- this says that assessment is  
22 one of the services offered at Horizon Academy, and  
23 I'm wondering what assessment services Horizon  
24 Academy offers?

25 A Sometimes we do checks -- some checklists,



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1 behavioral checklists we do to make some kind of  
2 assessments.

3 We have BASC sometimes, and other  
4 instruments like that, to gather some data.

5 Q BASC, B-A-S-C?

6 A Uh-huh. (Affirmative.)

7 Q What is the BASC?

8 A It's like a behavioral assessment  
9 checklist.

10 Q Do you regularly administer the BASC to  
11 Horizon GNETS students?

12 A Usually when it's time for like a -- when  
13 a child initially come in our program, get some  
14 baseline data, and then we do it again usually if  
15 it's coming up for the annual review, or if there's  
16 some issues that we think that needs to be  
17 addressed, we may do one then.

18 Q You mentioned also behavioral checklist  
19 that you use?

20 A Yes. It could be sometimes we --  
21 behavioral checklist that we may send the physician  
22 if there's some issues with the medication, for him  
23 to look at and for parents to look at. I mean we do  
24 them with parents. The parents do a checklist, we  
25 do a checklist, and then they take those checklists

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1 to the physician to compare what we say and what  
2 parents have said -- or seen rather.

3 Q And how do those behavioral checklists get  
4 created?

5 A Those are canned behavior checklists. We  
6 don't create them.

7 Q Where do they come from?

8 A Some checklists that we order. They are  
9 standard from the psychologists, usually.

10 Q Any other assessment service at Horizon  
11 Academy?

12 A I can't think of any right now, any  
13 others.

14 Q And then this mentions other services as  
15 appropriate. What is included in that?

16 A Some of it may be we do -- we go out to  
17 the schools, to the LEA, to the school, before a  
18 child comes into the program, and we do some  
19 observations. And with those observations we sit  
20 down with the group, LEA team, and share what we  
21 have observed and give some suggestions as far as  
22 some things that we think that they may need to try.

23 Q With that, is that like a consultation  
24 that you do with --

25 A It is.

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1 Q Under this "What are the services offered  
2 at Horizon Academy" section, it also, in the second  
3 bullet point, says classes on part or full day  
4 basis.

5 Do you see that?

6 A I do.

7 Q Do you have students this year at the  
8 Horizon GNETS program on a part day basis?

9 A We do. I do.

10 Q About how many students are on part day  
11 basis?

12 A Actually, I'm not quite sure.

13 Q Rough number?

14 A I think at the Valdosta location we have  
15 about six. At Tift we have about two.

16 I think in Colquitt we may have two or  
17 three. And in Berrien and Cook we had -- we have  
18 two.

19 Q So how does part day work for those  
20 students who are on part day?

21 A Okay. Usually what we do is a student is  
22 on part day, they come to us for some of the periods  
23 out of the school day. They go to regular school,  
24 take some classes at the regular school, and they  
25 come to us part day. They do part day in the

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1 mornings. It could be one or two periods in the  
2 mornings, or it could be in the afternoons.

3 Q Are all of the students who are on part  
4 day spending the part of the day that they're not at  
5 Horizon GNETS in a general education environment, or  
6 are there also some students on part day who only  
7 come to GNETS for part of the day and then maybe  
8 home for the rest of the day or --

9 A Yeah, both.

10 Q Do those students who are on part day who  
11 don't spend the other part of the day in the general  
12 education environment receive any sort of homebound  
13 services?

14 A I'm not sure.

15 Q Okay. So I take it that you don't have  
16 GNETS staff who are involved in providing any  
17 homebound services?

18 A Very rarely. We have had some GNETS  
19 teachers that do homebound services, but it's not --  
20 it's not something we do all the time.

21 Q And when you say you have had teachers who  
22 have done that, when was the last time you recall a  
23 GNETS teacher doing that?

24 A I think it was probably last year. We had  
25 a child that was -- I think medical issues, I think.

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1 Medical issues. We had a teacher from GNETS that  
2 served that child at home.

3 Q And how would that work?

4 A The services are in the afternoons, so  
5 many days a week in the afternoons.

6 Q Was that a teacher that also had  
7 responsibility for a regular GNETS classroom  
8 somewhere?

9 A Say again now.

10 Q Was the teacher providing those homebound  
11 services a teacher who also had responsibility for a  
12 GNETS classroom somewhere in your program?

13 A Yes.

14 Q And so how did the teacher navigate  
15 serving the classroom and then also providing  
16 homebound services?

17 A Homebound services were after the  
18 classroom. It was in the afternoon, after the  
19 teacher had left the school.

20 Q So after the normal school day is over?

21 A Right.

22 Q The third bullet point here mentions  
23 consultation, the schools agencies and teachers of  
24 students being served by or referred to Horizon  
25 Academy.

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1 Do you see that?

2 A Yes.

3 Q Are those the kind of consultations you  
4 were telling me about earlier?

5 A They are.

6 Q How many consultations have been done this  
7 current school year?

8 A I'd be guessing. I can't tell you exact  
9 number. But we do a lot of consultation.

10 Q What's the approximate number?

11 A For the school year?

12 Q No, no. For this current 2022-2023 school  
13 year, so basically we're talking about the first  
14 semester of the school year, approximately how many  
15 consultations has Horizon GNETS Academy conducted?

16 A Probably about, I'd say, 15, maybe more.

17 Q Who is in charge of conducting those  
18 consultations?

19 A We have -- we call them consultant  
20 teachers. They do that.

21 Q Are your consultant teachers also  
22 classroom teachers?

23 A No, they're not.

24 Q So they're separate from GNETS classroom  
25 teachers?

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1 A Right.

2 Q And the consultant teachers are also the  
3 ones that you said earlier do the FBAs and BIPs?

4 A Right.

5 Q How many consultant teachers are there  
6 across the entire Horizon GNETS program?

7 A I have two in Valdosta, one in Tifton, one  
8 in -- the one in Tifton. One in Berrien/Cook  
9 together. And then I have one here. So I guess  
10 that's four -- two, three -- five.

11 Q According to this brochure, Horizon GNETS  
12 serves students from multiple school systems,  
13 correct?

14 A Yes.

15 Q And which school system are those?

16 A Let me see. You want me to name them?

17 Q Yes, please.

18 A Ben Hill, Berrien, Brooks, Colquitt, Cook,  
19 Echols, Irwin, Lanier, Lowndes, Tift, Turner, and  
20 Valdosta City.

21 Q Does Horizon GNETS still have five sites  
22 where those students are served, or is the number of  
23 sites different this current school year?

24 A We still have five sites.

25 Q And this brochure says that those sites

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1 are located in Valdosta, Moultrie, Nashville,  
2 Tifton, and Valdosta? Is that correct?

3 A Yes, that's correct.

4 Q And just so I'm clear, the Moultrie site  
5 is the site where Colquitt County --

6 A That's correct.

7 Q The Valdosta site is Valdosta City?

8 A Yes.

9 Q What is the Adel site?

10 A That's in Cook County.

11 Q And what about the Nashville site?

12 A Nashville site is in Berrien.

13 Q And the Tifton site is --

14 A In Tifton. Uh-hum. (Affirmative.)

15 Q Of those sites, which of those sites are  
16 centers, so stand-alone GNETS locations?

17 A The Valdosta site and the Colquitt site.  
18 And then the -- I'm sorry.

19 Q I'm sorry. The Colquitt site is the one  
20 in Moultrie?

21 A Right.

22 Q And that's where we physically are today?

23 A That's correct.

24 Q Are the locations in Adel, Nashville and  
25 Tifton school-based locations?



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1 A Yes.

2 Q And just to clarify, the Colquitt site,  
3 which is in Moultrie, is that center collocated with  
4 an elementary school, an operational elementary  
5 school, or is this building entirely dedicated to  
6 the Horizon GNETS program?

7 A This building is dedicated to Horizon  
8 GNETS program.

9 Q Have there been any changes in school  
10 systems that the Horizon GNETS program serves since  
11 2015, 2015 to the present? Have there been any  
12 changes?

13 A You mean in the systems that we serve?  
14 The Colquitt site, I think, started about four years  
15 ago. I don't think -- about four, five years ago.

16 Q So prior to four or five years ago, the  
17 Colquitt site was not a part of the Horizon GNETS  
18 program?

19 A Right.

20 Q Was the Colquitt site served by a  
21 different GNETS program prior to that time?

22 A Yes.

23 Q Which GNETS program was that?

24 A I think it's Pathways.

25 Q Has the number of site locations within

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1 Horizon GNETS program remained consistent over the  
2 last five years or so?

3 A Yes.

4 Q I want to turn to the next page of -- and  
5 just for clarity sake, am I correct that this  
6 document was produced by the Horizon GNETS program  
7 in response to the United States subpoena?

8 A Yes.

9 Q I want to make sure I understand from you,  
10 this was produced as a single file, but I'm  
11 wondering, are these two separate brochures  
12 contained in here?

13 A What do you mean two separate?

14 Q So the first two pages are a yellow  
15 brochure, and then there's two pages at the end that  
16 sort of look similar. I'm wondering are these two  
17 different brochures or a single brochure?

18 A Two different brochures.

19 Q All right. I just wanted to confirm that.

20 So turning to the third page, which is the  
21 beginning of the second brochure, this brochure has  
22 a section in the middle of the initial page. It  
23 says: "How do children and youth access GNETS  
24 services?"

25 Do you see that?

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1 A I do.

2 Q If you look at the last paragraph in that  
3 section, about halfway through, and do you see where  
4 it says: "Students who are served in GNETS classes  
5 are those requiring the intensive therapeutic  
6 interventions and educational support that GNETS  
7 programs are designed to provide"?

8 A Yes.

9 Q We talked a little bit earlier about the  
10 direct therapeutic services that Horizon GNETS  
11 provides, and I just wanted to confirm, are there  
12 any intensive therapeutic interventions as  
13 referenced here that we haven't talked about yet  
14 that I should know about?

15 A I'm sure there are but I just can't think  
16 of those right now.

17 Q But nothing apart from what we have -- at  
18 this particular moment in time, nothing apart from  
19 what we've already discussed?

20 A Right.

21 Q On the sort of far right-hand side of this  
22 page there's a reference to GNETS standards of  
23 practice and core array of services.

24 Do you see that?

25 A Yes.

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1 Q Are these standards of practice and core  
2 array of services common to all regional GNETS  
3 programs?

4 A Yes.

5 Q Just so I'm clear, this particular  
6 brochure, which are the last two pages, in this  
7 Exhibit 707, who created this brochure?

8 A This would be DOE.

9 Q So the Department of Education?

10 A Yes.

11 Q The GNETS Standards of Practice, who  
12 determines those standards of practice?

13 A That's DOE.

14 Q When you say DOE, you're talking about  
15 GaDOE?

16 A Right.

17 Q Georgia Department of Education?

18 A Yes.

19 Q And what about the Core Array of Services,  
20 who determines what those would be?

21 A DOE.

22 Q Under the Core Array of Services, it  
23 references comprehensive reintegration support for  
24 students.

25 Do you see that?

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1 A Yes, I do.

2 Q What comprehensive reintegration support  
3 for students does Horizon GNETS provide?

4 A I'm not sure.

5 Q What is your understanding of what  
6 comprehensive reintegration support means?

7 A Getting students back into their regular  
8 school curriculum, into the regular LEA.

9 Yeah. Reintegrating students back into  
10 the regular LEA.

11 Q From the GNETS program?

12 A Right.

13 Q Okay.

14 (WHEREUPON, Plaintiff's Exhibit-708 was  
15 marked for identification.)

16 BY MS. GARDNER:

17 Q I'd like to hand you what is marked as  
18 Plaintiff's Exhibit 708. This is an email from you  
19 to Vickie Cleveland, dated December 11, 2019, with  
20 the subject "Re: District Services."

21 The document is Bates-stamped GA00356588.  
22 Do you recognize this?

23 A Yes.

24 Q And I just want to make sure I understand.  
25 We talked a lot about the sites within the Horizon

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1 GNETS program, and this drills down a little bit  
2 more into which systems are serving which sites.

3 As of this 2019 email, it says that there  
4 were two site base locations, one in Valdosta City  
5 and one in Colquitt County. Correct?

6 A Uh-hum. (Affirmative.) That's right.

7 Q The Colquitt County site is the Moultrie  
8 site where we are presently, right?

9 A That's correct.

10 Q And is it still accurate that this  
11 particular site only serves Colquitt County  
12 students?

13 A That's correct.

14 Q And the site in Valdosta City, this email  
15 says that that site serves Valdosta, Lanier, Brooks  
16 Lowndes, Scintilla, and Echols.

17 Do you see that?

18 A Yes, ma'am.

19 Q Is that still accurate as of today?

20 A I'm trying to think.

21 Yes. That's correct.

22 Q What is Scintilla? That's not a --

23 A That's a private school. That's a private  
24 entity.

25 Q Okay.

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1 (WHEREUPON, Plaintiff's Exhibit-709 was  
2 marked for identification.)

3 BY MS. GARDNER:

4 Q I hand you what has been marked as  
5 Plaintiff's Exhibit 709.

6 This is an email from you to Vickie  
7 Cleveland, dated June 11, 2018, forwarding an  
8 earlier email from Nakeba Rahming to you, Harold  
9 Chambers, Dusty Kornegay, Jeanene Wallace, and  
10 Vickie Cleveland.

11 The document is Bates-stamped GA00325435.

12 Do you recognize this?

13 A I do.

14 Q And in the forwarded email, which is an  
15 email from Nakeba Rahming, dated March 2nd, 2018,  
16 Ms. Rahming says: "As promised, Vickie and I have  
17 requested a preliminary budget to assist you in your  
18 getting further transition of Colquitt County  
19 students to receive services from the Horizon  
20 Academy GNETS."

21 Do you see that?

22 A I do.

23 Q And you mentioned earlier that you thought  
24 that Colquitt, the Colquitt County site had  
25 previously been served by a different regional GNETS

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1 program, correct?

2 A That's correct.

3 Q And so this email is around the time that  
4 Colquitt County students were transitioning to  
5 receive services from Horizon GNETS?

6 A That's correct.

7 Q And I believe you said earlier that  
8 they -- Colquitt County students had previously  
9 received services from the Pathways GNETS program?

10 A That's correct.

11 Q Had you requested that Ms. Rahming or Ms.  
12 Cleveland provide a preliminary budget?

13 A Yes.

14 Q And why was that?

15 A Because I think during the time that  
16 Colquitt was beginning to merge with our program, I  
17 needed money to -- I mean that was a merger that we  
18 had and it was not in my budget, my initial budget.  
19 So I was requesting that, you know, they do  
20 something with the budget because I had not -- I did  
21 not have those in my budget.

22 Q When you say it wasn't in your initial  
23 budget, it wasn't in your initial budget because you  
24 were receiving additional students without the sort  
25 of corresponding money to serve them?



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1           A     Right. We sent -- we do numbers. I had  
2     sent in my numbers for the sites that I served and  
3     the budget is built around the number of students we  
4     serve. The students in Colquitt were not in my  
5     numbers, so I didn't get money for that.

6           Q     Okay. So prior to the transition  
7     happening, you had sent in your enrollment numbers,  
8     which drives how much money you get in your budget?

9           A     Right.

10          Q     And those enrollment numbers didn't  
11     include students from Colquitt County?

12          A     Right.

13          Q     And Ms. Rahming and Ms. Cleveland had  
14     access to your preliminary budget?

15          A     Yes.

16          Q     Is that because the money for the Horizon  
17     and the Pathways GNETS programs was coming from the  
18     State GNETS grant?

19          A     Uh-huh. I'm sure, yes.

20                     (WHEREUPON, Plaintiff's Exhibit-710 was  
21     marked for identification.)

22     BY MS. GARDNER:

23          Q     I'd like to hand you Plaintiff's Exhibit  
24     710.

25                     This is an email from you to Vickie

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1 Cleveland, dated July 17, 2018. The subject: "Re:  
2 Student Enrollment Info Needed."

3 This document is Bates-stamped GA00328721.

4 Do you recognize this?

5 A I do.

6 Q And am I correct that your email is sent  
7 to Ms. Cleveland in response to an earlier email  
8 from her in which she requests the total student  
9 enrollment numbers for the Horizon and Pathways  
10 GNETS programs for the 2017-18 school year?

11 A That's correct.

12 Q And she also requests the total number of  
13 students that will be moving from Colquitt and  
14 Lowndes County to Horizon, correct?

15 A That's correct.

16 Q Your email response says: "Total served  
17 in October 116. Total served at the end of the year  
18 158."

19 Do you see that?

20 A I do.

21 Q Can you explain what this means?

22 A Yes. We have to do -- I don't know what  
23 to call it. But we send in the number of students  
24 that we serve, and we do it -- we do monthly data,  
25 okay. So I was telling her in October we had served

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1 116, but at the end of the school year we served  
2 158. So students coming in and coming out, that  
3 kind of stuff.

4 Q And when you say we send in the number of  
5 students that we serve, who are you sending in the  
6 number of students that you serve to?

7 A Okay. We keep monthly data every month,  
8 and then at the end of the year we have to do a  
9 monthly report to DOE in the portal of the number of  
10 students we served, total number of students we  
11 served.

12 Q Okay. So every month you keep track of  
13 the number of students that you serve?

14 A Right.

15 Q And at the end of the year you do a report  
16 to the Georgia Department of Education?

17 A Total number of students.

18 Q Does that report break down those number  
19 of students monthly or it just tells at the end of  
20 the year --

21 A No, just tells the end of the year. We do  
22 monthly.

23 Q And so was there some significance here in  
24 your response as to why you said the total served in  
25 October?

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1           A     I think this is in reference to funding  
2     again, and I think I was telling her that we served  
3     116 in October, and at the end of the year we served  
4     158, and I think it has something to do with the  
5     funding from Pathways because we were getting their  
6     students -- I mean their students were coming over  
7     to Lowndes County, to Horizon.

8           Q     And was the difference -- or some of the  
9     difference between this end of the year number of  
10    158 and the October number of 116 driven by your  
11    receiving students from --

12          A     No, that was just my numbers. Those are  
13    just my numbers.

14          Q     Okay. Understood.

15                You mentioned that when you provide your  
16    end of year numbers to the Georgia Department of  
17    Education, you put it in a portal. Is that what you  
18    said?

19          A     Uh-hum. (Affirmative.)

20          Q     What is the portal?

21          A     I said portal. It's like a Con-App that  
22    we have to do every year, and it is in a portal.  
23    It's a grant app.

24          Q     So every year you do a grant application?

25          A     Yes.

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1 Q You submit that to the Georgia Department  
2 of Education?

3 A I assume, yeah.

4 Q And the way you do that submission is  
5 through some sort of electronic portal?

6 A Right, that's correct.

7 Q And you mentioned Con-App. What is  
8 Con-App?

9 A It's the grant, which is the same thing.  
10 I call it the Con-App, but it's the grant we do  
11 yearly, at the end of the year.

12 (WHEREUPON, Plaintiff's Exhibit-711 was  
13 marked for identification.)

14 BY MS. GARDNER:

15 Q I'm going to hand you what is marked as  
16 Plaintiff's Exhibit 711.

17 This is an email from Vickie Cleveland to  
18 you, dated January 5th, 2018, with the subject  
19 "Forward: GNET Systemic Reintegration Planning."

20 The first page of this document is  
21 Bates-stamped GA00001659.

22 Do you recognize this document?

23 A Vaguely.

24 Q Am I correct in this email Ms. Cleveland  
25 forwards on email that she sent the previous day,

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1 and she says: "Samuel, see attachment"?

2 A Uh-huh. (Affirmative.)

3 Q And in her earlier email she writes:

4 "Please see the attached GNETS Systemic  
5 Reintegration document that will provide guidance  
6 with transitioning students from the Tift County  
7 site."

8 Do you see that?

9 A I do.

10 Q That earlier email was sent to Samuel  
11 Taylor, Pat Water, and Nakeba Rahming. Do you see  
12 that?

13 A I do.

14 Q Who is Pat Water?

15 A It's Patrick Atwaters. He was a  
16 superintendent at the time.

17 Q The superintendent of Tift?

18 A Tift County, uh-huh. (Affirmative.)

19 Q What students were transition from the  
20 Tift County site?

21 A I'm not quite sure about this email. I  
22 vaguely remember this, but I can't recall what --  
23 exactly what this is about.

24 Q Was there a time when the Georgia  
25 Department of Education directed that a Tift County

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1 GNETS site be closed?

2 A I think so. Yeah, I think so. I'm not  
3 quite sure but I think so.

4 Q Do you recall when it was?

5 A No, I can't think of an exact date.

6 Q Turning to the next page, which is the  
7 attachment to the email, and beginning Bates number  
8 of GA00001660, am I correct that the caption at the  
9 top of the document is "Guidance Document for Local  
10 Education Agency (LEA) and GNETS Systemic  
11 Reintegration Planning"?

12 A Yes.

13 Q Just beneath that, it says: "The purpose  
14 of this document is to provide an overview of key  
15 indicators that should be considered when LEAs plan  
16 to transition all LEA students into their home  
17 school districts or a facility required to remove  
18 students due to its physical conditions."

19 Have I read that correctly?

20 A Yes.

21 Q Moving to the next page, is it correct  
22 that under paragraph with the No. 4 header, it says:  
23 "All systemic reintegration plans must be submitted  
24 to the GNETS Program Manager for review and/or  
25 feedback. Plans must include a date for when the

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1 reintegration process will occur. LEAs and GNETS  
2 will be notified of their recommendations or request  
3 for revisions."

4 Is that correct?

5 A That is correct.

6 Q And this attachment was being sent because  
7 there was some sort of transition of students out of  
8 the Tift County GNETS site?

9 A I'm not sure.

10 Q Am I correct that in the cover email there  
11 is a reference to students from the Tift County  
12 site?

13 A In the email, yes.

14 Q And sitting here today, you just don't  
15 recall why students are being transition from that  
16 --

17 A Vaguely recall. I vaguely recall.

18 Q What do you vaguely recall?

19 A I recall that there was an inspection I  
20 think that was done with the GNETS programs, and I  
21 think the Tift site, during the inspection, that  
22 that site had to be moved. And that may be what  
23 this is in reference to, but I'm not quite sure.

24 Q Okay. So when you say there was an  
25 inspection done with the GNETS programs, who



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1 conducted an inspection with the GNETS programs?

2 A I assume DOE.

3 Q Were there sites within the Horizon GNETS  
4 program that were part of that inspection?

5 A Yes.

6 Q Was the Tift County site one of those?

7 A Yes.

8 Q Were there other sites within Horizon  
9 GNETS that were part of that inspection?

10 A The Valdosta site at the time. I think it  
11 was located in Lowndes at the time, was inspected.

12 The Tift site. And I'm not sure about the  
13 Berrien/Cook site. And I don't think at the time we  
14 had Colquitt. It was not under our umbrella at the  
15 time, I don't think.

16 Q And following those inspections, did the  
17 Horizon GNETS program receive any directives to  
18 close any sites?

19 A I would think Tift was one of them. I'm  
20 not quite sure.

21 Q And where would that directive have come  
22 from?

23 A I assume from the information from the  
24 State after the inspection was done and we got back  
25 some feedback. So I'm assuming that feedback came

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1 from the State or somebody. I'm not sure.

2 Q But you recall that the Tift County site  
3 was closed?

4 A It was recommended to be closed.

5 Q And was it actually closed?

6 A No. They were relocated.

7 Q The recommendation was that students not  
8 be served in --

9 A In that building.

10 Q And then students ceased to be served in  
11 the Tift County site at the time?

12 A Say again now.

13 Q After there was a recommendation that  
14 students not be served in the Tift County site,  
15 those students were moved elsewhere?

16 A Right. They were relocated. Those  
17 students were relocated to another building.

18 Q Right. So I was inartful in saying the  
19 Tift County site was closed, because there was still  
20 a GNETS site that was serving Tift County students,  
21 it's just that students were not being served in the  
22 facility that had been inspected and found not  
23 suitable?

24 A That's correct.

25 Q Did the Horizon GNETS program generate a

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1 reintegration plan for students being moved out of  
2 the Tift County site?

3 A I think this is what this was, I think.  
4 I'm not sure.

5 Q And did the Horizon GNETS program develop  
6 a transition plan?

7 A I'm not sure. I want to think we didn't  
8 have to do that because they were not reintegrated  
9 back into the LEA; they were relocated.

10 Q Okay.

11 A I think.

12 MR. NGUYEN: It's almost 11:45 and we  
13 haven't had a break since we started. Do you  
14 want to do a lunch break soon, like five or 10  
15 minutes?

16 MS. GARDNER: I know we need to stop at  
17 noon for a call. So I'm happy to stop and take  
18 the break now and we can break until 12:30. I  
19 don't know how long your call will go.

20 MR. NGUYEN: That will be fine but we can  
21 go a little longer. It's up to you. And we  
22 can break now, and that's fine, too.

23 MS. GARDNER: You want to keep going?

24 THE WITNESS: Yes.

25 MS. GARDNER: All right. If you all are

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1           okay to go to 12, we can break at 12.

2           MR. NGUYEN: That's fine.

3           MS. GARDNER: And you can do your call.

4           MR. NGUYEN: That's fine.

5           (WHEREUPON, Plaintiff's Exhibit-712 was  
6           marked for identification.)

7 BY MS. GARDNER:

8           Q     I'm going to hand you what is marked as  
9           Plaintiff's Exhibit 712. This is an email from you  
10          to Nakeba Rahming, dated August 24, 2016, with the  
11          subject "Forward: Horizon Academy."

12          The document is Bates-stamped GA00063752.

13          Do you recognize this?

14          A     Yes. Vaguely again.

15          Q     And am I correct that the email consists  
16          entirely of an email that you forwarded to Ms.  
17          Rahming without comment?

18          A     Yes.

19          Q     And the forwarded email was sent to you by  
20          Latasha Ford on August 24, 2016. Correct?

21          A     Yes.

22          Q     In the email Latasha Ford sent to you she  
23          says: "Sorry, I haven't had a chance to contact you  
24          since speaking with Mr. Atwater. If possible, I  
25          wanted to get a few comments from you regarding the

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1 state closing several GNETS facilities, as well as  
2 comments on this action stemming from the federal  
3 authorities suing Georgia over segregated schools."

4 Do you see that?

5 A I do.

6 Q Was Ms. Ford seeking comment from you  
7 regarding the State's closure of several GNETS  
8 facilities?

9 A She was.

10 Q And we discussed earlier that the site  
11 within Horizon Academy was one of those facilities?

12 A Yes.

13 Q Did you ever respond to Ms. Ford's  
14 request?

15 A I did not.

16 Q You forwarded Ms. Ford's email to Ms.  
17 Rahming, correct?

18 A That's correct.

19 Q What prompted you to do that?

20 A Because I didn't know how to respond.

21 Q Did Ms. Rahming provide you any guidance?

22 A I'm not sure.

23 Q But your email was intended to obtain  
24 guidance as to --

25 A It was. It was.

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1 THE COURT REPORTER: I didn't get your  
2 question. It was interrupted.

3 Q But your email was intended to obtain  
4 guidance as to how to handle this inquiry?

5 A It was.

6 Q And why did you choose Ms. Rahming to  
7 reach out to you for that guidance?

8 A I think at the time Ms. Rahming was our  
9 DOE liaison. DOE liaison, I think at the time. And  
10 I was seeking guidance as far as how to respond.

11 Q And when you say that Ms. Rahming was the  
12 DOE liaison, was that her official title, or that's  
13 kind of what you were informally referring to it as?

14 A That was not her official title. I'm not  
15 sure what her official title was. I know she was  
16 assigned to work the GNETS programs. But I'm not  
17 sure what her title was.

18 Q Okay. And at the time of this email, was  
19 Ms. Rahming performing the same role that Ms.  
20 Cleveland currently performs?

21 A She was.

22 Q You mentioned earlier that Horizon GNETS  
23 has what is known as a fiscal agent, correct?

24 A Yes.

25 Q And Horizon's fiscal agent is Coastal

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1 Plains RESA?

2 A That's correct.

3 Q So that we're on the same page, what is  
4 the role of Horizon GNETS' fiscal agent?

5 A Basically, they manage our funding.  
6 Pretty much I guess oversees the programs to make  
7 sure they're operating correctly.

8 Each month they have to report to the  
9 board of directors, which are the superintendents.  
10 And then they inquire as far as any questions they  
11 have about the programs or the students.

12 Q And when you say that Horizon GNETS'  
13 fiscal agent manages funding, how do they manage  
14 your funding?

15 A Our funding is sent directly to Coastal  
16 Plains RESA, and then the budget is built pretty  
17 much by Coastal Plains -- well, I build the budget,  
18 and then someone at Coastal Plains RESA puts the  
19 budget in, as far as staff and those kinds of  
20 things.

21 Q When you say your funding is sent directly  
22 to Coastal Plains RESA, who sends the funding to  
23 Coastal Plains RESA?

24 A I'm not sure.

25 Q That funding comes from the State?

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1           A     Yes. We get federal and state funds. So  
2     I'm not sure who sends the funds.

3           Q     Okay. And then you said you build the  
4     budget and someone at Coastal Plains RESA puts the  
5     budget in?

6           A     The portal.

7           Q     So someone at Coastal Plains RESA puts the  
8     budget into the Georgia Department of Education  
9     portal?

10          A     Right.

11          Q     You mentioned that as part of Coastal  
12     Plains RESA role as fiscal agent that you provide  
13     monthly reports to the Board of Control; is that  
14     correct?

15          A     That's correct.

16          Q     And what kinds of things do you include in  
17     that monthly report to the Board of Control?

18          A     Staffing issues. Um, staff -- when I say  
19     issues, I mean life of staff, need of staff. Any  
20     other issues as far as funding, things that I need  
21     from LEAs.

22                     You know, just basically just how the  
23     program is running. If there are issues, if there's  
24     some things I need, those kinds of things.

25          Q     And then I believe the other thing that



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1 you said was one of the roles of Horizon GNETS'  
2 fiscal agent was, you said, overseeing the programs  
3 to make sure they're operating correctly?

4 A Yes.

5 Q How does Coastal Plains RESA make sure  
6 that the Horizon GNETS program is operating  
7 correctly?

8 A Okay. Pretty much make sure that teachers  
9 are teaching standards, through me, as far as what  
10 they're doing academically.

11 We look at transition, students back and  
12 forth, concerns of transition of students back and  
13 forth. Those kinds of things.

14 Q When you refer to transitioning students  
15 back and forth, you're talking about transitioning  
16 students from Horizon GNETS back to --

17 A To the LEA.

18 Q -- the general education environment?

19 A Yes. Sorry.

20 Q Anything else that Coastal Plains RESA  
21 does to ensure that the Horizon GNETS program is  
22 operating correctly?

23 A I'm sure, but I just can't think of those  
24 things right now.

25 Q Apart from your monthly meetings with the

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1 Coastal Plains RESA Board of Control, do you have  
2 any other regular meetings with Coastal Plains RESA  
3 regarding Horizon GNETS?

4 A Yes. We have a GLRS meetings. Those are  
5 meetings with the special education teachers from  
6 each one of the districts. Those are monthly  
7 meetings.

8 Q So the GLRS meetings, Horizon GNETS  
9 participates in those?

10 A Yes.

11 Q Do you personally participate in those or  
12 someone else?

13 A I have a schedule. Sometimes I'll  
14 participate and sometimes I'll send over the  
15 coordinators.

16 Q Okay. And you said that those meetings  
17 include special education teachers from each of the  
18 districts that Horizon GNETS serves?

19 A No. Special education directors.

20 Q Directors? Okay. Sorry.

21 A From all of the districts that Horizon  
22 Academy serves.

23 Q Does anyone else participate in the GLRS  
24 meetings?

25 A Yes. I think we have -- what is it

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1 called? I can't remember. Anyway, they provide  
2 jobs for students with disabilities. I can't think  
3 of the name of it right now. They participate in  
4 those meetings.

5 We have a state representative from DOE  
6 that participates in the meetings and give us  
7 updates as far as new issues and results, those kind  
8 of things.

9 And then usually we have like a guest  
10 person that comes in at each of those meetings and  
11 they share with us about -- based on the needs,  
12 assessments of the programs, those kinds of things.

13 Q Who is the state representative from the  
14 Georgia Department of Education that participates in  
15 those meetings?

16 A I think her name is Belinda Tiller, I  
17 think is her name. Yeah, Belinda.

18 Q Any other regular meetings that you have  
19 with the Coastal Plains RESA regarding GNETS?

20 A No. That's it.

21 Q Does Horizon GNETS have an Advisory Board?

22 A No.

23 MS. GARDNER: I think this is a good  
24 breaking point for lunch.

25 MR. NGUYEN: Okay. How long is lunch?

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1 THE VIDEOGRAPHER: The time is 11:55 a.m.

2 We're going off the record.

3 (A recess was taken.)

4 THE VIDEOGRAPHER: The time is 12:44 p.m.,

5 and we are back on the record.

6 BY MS. GARDNER:

7 Q Welcome back.

8 A Uh-hum.

9 (WHEREUPON, Plaintiff's Exhibit-713 was  
10 marked for identification.)

11 BY MS. GARDNER:

12 Q I'd like to hand you what is marked as  
13 Plaintiff's Exhibit 713. This is an email from you  
14 to Vickie Cleveland, dated January 24, 2018, with  
15 the subject: "Forward: GNETS change of fiscal  
16 management and related issues."

17 The document is Bates-stamped GA00014898.

18 Do you recognize this email?

19 A Yes.

20 Q And in this email you forward another  
21 email to Ms. Cleveland, correct?

22 A Say that again now.

23 Q In this email you were forwarding an email  
24 to Ms. Cleveland?

25 A Yes. Uh-huh.

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1 Q And that email is from Harold Chambers?

2 A Correct.

3 Q Who is Harold Chambers?

4 A He was the former director of RESA. It's  
5 Mr. Chambers, Lance Heard, and now Wes Taylor.

6 Q Okay. And in that forwarded email Mr.  
7 Chambers had emailed Nakeba Rahming, Patrick  
8 Atwater, Wes Taylor, you, and Shanna Watson.  
9 Correct?

10 A That's correct.

11 Q In that email Mr. Chambers tells Ms.  
12 Rahming that the Coastal Plains RESA Board of  
13 Control has been discussing changing the fiscal  
14 agency management from Lowndes County BOE to Coastal  
15 Plains RESA.

16 Do you see that?

17 A Yes.

18 Q Then he goes on to say in this email  
19 further down: "I have been unable to reach you by  
20 telephone. Please contact me either by my cell  
21 phone or office phone. I really need to discuss  
22 these GNET changes with you, and also get your  
23 thoughts on the current law suit involving serving  
24 children in the GNETS program."

25 Do you see that?

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1 A Yes.

2 Q You forwarded this email from Mr. Chambers  
3 to Ms. Cleveland, and you note, "This is an email  
4 from my RESA director," correct?

5 A Yes, yes.

6 Q And why were you sending this  
7 communication to Ms. Cleveland?

8 A I think at the time Ms. Rahming was sick,  
9 I think. At some point she went out sick, I'm not  
10 sure. And Vickie Cleveland was the contact person.

11 Q Okay.

12 A I think.

13 Q Had you had other conversations with  
14 Coastal Plains RESA personnel about the potential  
15 change in fiscal agency management?

16 A I had not.

17 (WHEREUPON, Plaintiff's Exhibit-714 was  
18 marked for identification.)

19 BY MS. GARDNER:

20 Q I'd like to hand you what is marked  
21 Plaintiff's Exhibit 714.

22 This is an email from you to Nakeba  
23 Rahming, dated January 4, 2018, with the subject  
24 "Re: GNETS change of fiscal management and related  
25 issues."

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1 The document is Bates-stamped GA00230899.

2 Do you recognize this document?

3 A Yes.

4 Q And in this email you write to Ms. Rahming  
5 and you say: "Can I be included in that  
6 conversation?"

7 Do you see that?

8 A Yes.

9 Q And am I correct in understanding that you  
10 are referencing a conversation that is going to  
11 occur between Nakeba Rahming and Harold Chambers?

12 A Yes, I think so.

13 Q So looking at the earlier email in this  
14 thread, and this is an email that Ms. Rahming sent  
15 on January 4, 2018, in which she says: "Hello,  
16 Harold, I can call you in the morning to discuss the  
17 proposed changes for GNETS services with Horizon."

18 Do you see that?

19 A No, I don't see -- is that on 714? Which  
20 one?

21 Q It's on the -- it's Exhibit 714.

22 A I see it now.

23 Q So Ms. Rahming is writing to Herald  
24 Chambers to say that she can call him in the morning  
25 to discuss the proposed changes for GNETS service

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1 with Horizon?

2 A That's correct.

3 Q And then you are asking Ms. Rahming  
4 whether you can be included in that conversation?

5 A Correct.

6 Q Ms. Rahming goes on to say, towards the  
7 end of her email: "Also, Vickie Cleveland will be  
8 sending a GNETS systemic reintegration guidance  
9 document to Mr. Atwater and Mr. Clemons to support  
10 them with transitioning students from the Tift  
11 County site."

12 Do you see that?

13 A Uh-hum. I do.

14 Q And do you recall earlier our looking at  
15 the reintegration guidance document as it related to  
16 transitioning students from the Tift County site?

17 A I do.

18 Q Were you included in a conversation with  
19 Ms. Rahming and Mr. Chambers about the potential  
20 change in fiscal management for the Horizon GNETS  
21 program?

22 A I'm not sure. I can't remember. I'm not  
23 sure.

24 Q What, what prompted you to ask whether you  
25 could be included in the conversation?



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1           A       I think what was happening is that Mr.  
2 Chambers had informed me that the RESA director had  
3 -- Lowndes County would no longer be the fiscal  
4 agent for Coastal -- I mean for GNETS. And through  
5 some conversation back and forth, I wanted to be  
6 included, as director, of the conversation just to  
7 see what was -- the status, what was going to  
8 happen.

9                       (WHEREUPON, Plaintiff's Exhibit-715 was  
10                      marked for identification.)

11 BY MS. GARDNER:

12           Q       I'm going to hand you what is marked as  
13 Plaintiff's Exhibit 715. This is an email from  
14 Harold Chambers to Nakeba Rahming and you, dated  
15 January 31, 2018, with the subject "CP RESA  
16 tomorrow."

17                      The document is Bates-stamped GA00200331.  
18                      Do you recognize this document?

19           A       Vaguely.

20           Q       I'm correct that in this email Harold  
21 Chambers says: "I look forward to seeing you and my  
22 good friend Clara Keith tomorrow. Obviously, I'm  
23 very apprehensive about the GNETS fiscal agency  
24 change. Dr. Clemons and I have met to discuss the  
25 situation, and we both have similar concerns. He

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1 and members of his staff will also attend the 11:00  
2 meeting."

3 Do you see that?

4 A Yes.

5 Q Does this email refresh your recollection  
6 as to whether you attended a meeting with Nakeba  
7 Rahming and Harold Chambers to discuss the change in  
8 fiscal agency management?

9 A I didn't attend a meeting with Nakeba and  
10 Clara. I attended a meeting at RESA with my staff  
11 and they were the ones presenting. It was not just  
12 an email with them.

13 Q Where --

14 A It's not a meeting with just them.

15 Q Where Mr. Chambers says he and members of  
16 his staff will also attend the 11 o'clock meeting?

17 A Right.

18 Q What do you understand the 11 o'clock  
19 meeting to refer to?

20 A That was the meeting that my staff, and  
21 then Nakeba and I think Clara hosted that meeting.  
22 I already charted them, I think. I think.

23 Q So Nakeba and Clara were at that 11  
24 o'clock meeting?

25 A I think so.

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1 Q And your staff was at that meeting?

2 A I think so.

3 Q And was Mr. Chambers also at that meeting?

4 A He was.

5 Q Okay. In this email Mr. Chambers says:

6 "Dr. Clemons and I have met to discuss the  
7 situation, and we both have similar concerns."

8 Do you see that?

9 A I do.

10 Q What similar concerns did you both have  
11 about the GNETS fiscal agency change?

12 A There were several. One was the annuity  
13 program with the Lowndes County schools and changing  
14 over to RESA. There were some concerns about that.  
15 The staff had some concerns about that and how would  
16 that work as far as their contribution and our  
17 contribution.

18 There were concerns about would there be a  
19 change as far as health insurance, okay. They had a  
20 concern about -- you know, and that be reassured  
21 that we were on the same pay scale that the school  
22 systems were on. Some of the support staff had  
23 concerns about their pay, would it be the same, how  
24 would it work with that.

25 And there were general concerns that we

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1 had. And also some concerns about being part of  
2 RESA and not being a part of the school system,  
3 would we be left out on a lot of things as far as  
4 professional learning, a lot of perks as far as  
5 being with the school system. Those kinds of  
6 things.

7 Q You mentioned an annuity program?

8 A Uh-huh. (Affirmative.)

9 Q Like A-N-N-U-I-T-Y?

10 A A-N-N -- yeah.

11 Q And what is the annuity program?

12 A It's a program where you pay so much out  
13 of -- you know, a percentage, and then the system  
14 pays a percentage.

15 Q Is that a retirement benefit?

16 A Yeah. Retirement benefit, right. Not  
17 retirement program, as retirement benefit. It's  
18 separate from retirement.

19 Q Okay. So when you say there were concerns  
20 about the annuity program, there was a retirement  
21 benefit that staff had gotten when the fiscal agent  
22 for Horizon GNETS was Lowndes County and there was  
23 concern about whether that benefit would continue to  
24 exist if there were a change to Coastal Plains RESA?

25 A Right. Well, continue to exist and

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1 whether the contributions would be the same.

2 Q Okay. And what was your understanding as  
3 to why Mr. Chambers was reaching out to Nakeba  
4 Rahming to discuss the concerns that you and he both  
5 shared?

6 A Well, first of all, it was increasing the  
7 staff, because he had a small staff at RESA.

8 He had some concerns about, I think about  
9 -- what was it? When you get hurt. Workers' comp,  
10 because he's taking a whole caseload of people,  
11 workers' comp with the teachers. He had several  
12 concerns about, you know, taking this program under  
13 his umbrella.

14 Q The change to Coastal Plains RESA being  
15 the fiscal agent was ultimately made, correct?

16 A Yeah, it was made.

17 Q How were the concerns that you just told  
18 me about addressed?

19 A Mr. Chambers had a meeting with the --  
20 actually, had a meeting with me first, taking their  
21 questions, and then he met with the entire staff,  
22 the entire GNETS staff.

23 Q And were those concerns that you all  
24 shared resolved to your satisfaction?

25 A Um, staff still had some questions about

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1 some of those concerns. So I wouldn't say resolved.  
2 They were -- they listened to the conversation, but  
3 I wouldn't say necessarily resolved. Some of them  
4 still had concerns.

5 Q Did the Horizon GNETS program have the  
6 ability if it had wanted to stop the change in  
7 fiscal agency management?

8 A No, we had no control over that.

9 Q And why was it that you had no control  
10 over that?

11 A Because we're a program, we're not a --  
12 we're just a program, and the GNETS program has  
13 always been ran through a fiscal agent, or a RESA  
14 program.

15 Q So you told me a lot about the concerns  
16 that you had and what those concerns were. I'm  
17 wondering, what is your understanding as to why Mr.  
18 Chambers decided to reach out to Ms. Rahming to  
19 discuss those concerns?

20 A There, again, I think -- I mean he has a  
21 lot -- he had a lot of concerns himself, I think,  
22 because we were new. He didn't know what to expect  
23 from this program or what his responsibilities were  
24 going to be. So he had some concerns.

25 Q Did you understand that Ms. Rahming was in

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1 a position to address the concerns that you had?

2 A She came down and talked with the staff,  
3 and I think she addressed some of the concerns.

4 Q Moving to another paragraph on this email,  
5 Mr. Chambers says: "I hope tomorrow that you will  
6 stress that these properly identified children are  
7 STILL THEIR STUDENTS within their systems, and  
8 ultimately their responsibility."

9 Do you see that?

10 A I do.

11 Q What did you understand this to mean?

12 A I think he was trying to make -- ensure  
13 that all of the LEAs knew that their students that  
14 attend the program, that they were still -- that the  
15 LEAs were still responsible and if they come to a  
16 RESA program, RESA so was not responsible. They  
17 were still responsible for their own students.

18 Q Mr. Chambers goes on later in that  
19 paragraph and it says: "The superintendents still  
20 seem to believe that an off campus site will better  
21 serve the students. I hope that you will stress the  
22 importance, under the definitions of LRE, that these  
23 students need to be on a school campus with other  
24 students."

25 Do you see that?

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1 A I do.

2 Q Did you share this sentiment?

3 A You mean with -- Mr. Chambers' sentiment?

4 Q Yes.

5 A I can't say I shared his sentiment  
6 completely.

7 Q Why did you not share the sentiment?

8 A Well, I feel that some of the students  
9 need to be on campus, school campus, and others had  
10 behaviors so severe it may be better if they were  
11 in -- served in a different location.

12 Q Did you agree that the superintendents  
13 believed that an off campus site would better serve  
14 the students?

15 A I'm not sure that's what he said. I  
16 didn't have conversations with the superintendents  
17 about that.

18 Q What prompted the potential change in  
19 fiscal agency management for Horizon GNETS? Where  
20 did that come from?

21 A I think Lowndes County had had a program,  
22 from my understanding, for a number of years, maybe  
23 over 10 years, I'm not sure how many years, and I  
24 think they felt that they were the -- they were not  
25 getting the contribution from the other systems that



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1 were served through the GNETS program, support. And  
2 I think they felt like it was time to -- for  
3 somebody else to carry the load.

4 Q And so when Lowndes County decided that it  
5 was time for someone else to carry the load, who  
6 then decided that that would be Coastal Plains RESA?

7 A I think they have a board of control, all  
8 superintendents meet together, and I think that was  
9 a decision that they met -- that they came up with.

10 (WHEREUPON, Plaintiff's Exhibit-716 was  
11 marked for identification.)

12 BY MS. GARDNER:

13 Q I'm going to hand you what is marked as  
14 Plaintiff's Exhibit 716.

15 This is an email from you to Vickie  
16 Cleveland, dated October 4, 2018. The subject is  
17 "Re: Info needed."

18 The document is Bates-stamped GA00334548.

19 Do you recognize this document?

20 A Vaguely.

21 Q And if you look at the third page in, the  
22 bottom of that page, do you see an email from Shanna  
23 Watson to Michael Rowland?

24 A Uh-hum.

25 Q And in that email, correct that Ms. Watson

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1 says: "We are taking over Horizon Academy in  
2 Lowndes County formerly located at Parker Mathis  
3 School"?

4 Do you see that?

5 A I do.

6 Q Is this referring to the transition in  
7 fiscal agency management from Lowndes County to  
8 Coastal Plains RESA?

9 A I think it's referring to both, transition  
10 and relocation.

11 Q And when you say relocation, the physical  
12 relocation --

13 A Right.

14 Q -- of the Valdosta site that you mentioned  
15 earlier?

16 A Right.

17 Q This email thread discusses a facility  
18 code for the GNETS program. Do you see that?

19 A What page are you on?

20 Q So on the second page, there's another  
21 email from Shanna Watson to Michael Rowland. It is  
22 dated October 3rd, 2018.

23 A I see it.

24 Q Do you see she says: "I was just  
25 following up on a facilities code for our new GNETS

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1 program"?

2 A Uh-hum. (Affirmative.)

3 Q What is -- what is the facilities code?

4 A I am not sure what that is.

5 Q Who is Michael Rowland?

6 A I'm not sure who that is either. I think  
7 it's someone from the State. I think it's somebody  
8 -- I guess he is from DOE, but I'm not sure who that  
9 is. It looks like he's over facilities and  
10 transportation, but I'm not familiar with that  
11 person.

12 Q When you say he's over facilities and  
13 transportation, are you getting that from his  
14 signature block that appears --

15 A Right.

16 Q -- at the top of that page?

17 A I am.

18 Q Turning back to the very first page of  
19 this document, at the bottom of that page,  
20 eventually Ms. Cleveland emails and says: "Hi, Sam.  
21 Did you share the FSR code info with Coastal Plains  
22 RESA?"

23 Do you see that question?

24 A I do.

25 Q And then you respond "Yes," correct?

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1 A I did.

2 Q What is FSR code?

3 A I'm not sure. I want to think it has  
4 something to do with coding students, but I'm not  
5 sure what that would have been.

6 (WHEREUPON, Plaintiff's Exhibit-717 was  
7 marked for identification.)

8 BY MS. GARDNER:

9 Q I'm going to hand you what is marked as  
10 Plaintiff's Exhibit 717.

11 This is an email from you to Vickie  
12 Cleveland, dated August 7, 2018. The subject is  
13 "Re: Lowndes GNETS funding."

14 And the document is Bates-stamped  
15 GA00330657.

16 Do you recognize this email?

17 A Vaguely.

18 Q And your email responds to an earlier  
19 email from Ms. Cleveland that she sent on August  
20 6th, 2018, correct?

21 A Uh-hum. (Affirmative.)

22 Q And in that email she says: "Hi, Sam.  
23 Please give me a call tomorrow regarding funding  
24 from Lowndes County. I need an update on where you  
25 landed regarding an MOU/invoicing for the GNETS

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1 funding."

2 Do you see that?

3 A I do.

4 Q What is the MOU and invoicing for GNETS  
5 funding that Ms. Cleveland is referring to?

6 A I think when we took over the Colquitt  
7 site, we had to do a memorandum of understanding  
8 with them as far as funding because we did not get  
9 the funding because we were not counting on the  
10 numbers, I think is what it is.

11 Q And was the Colquitt site -- how does  
12 Lowndes County come into the Colquitt site?

13 A Well, Lowndes County, that was our fiscal  
14 agent at first. And I think with the transition our  
15 funding in Lowndes County had some of the funding  
16 because we had not fully transitioned. I'm not  
17 sure.

18 Q And so am I correct then that Ms.  
19 Cleveland is asking where you landed in terms of  
20 having some sort of memorandum of understanding for  
21 how Lowndes County was going to navigate that, the  
22 funding issues?

23 A I think so, yes.

24 Q Did Ms. Cleveland explain to you why she  
25 needed this update?

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1           A     I want to think, I'm not sure, that I  
2     inquired first about the funding, and then I think  
3     her response to me, she wanted to know where I was  
4     with the funding issue. I think.

5           Q     And when you say you inquired first about  
6     the funding, you inquired of her about the funding?

7           A     Yes, I did. Because she said update and  
8     where you landed.

9                     (WHEREUPON, Plaintiff's Exhibit-718 was  
10            marked for identification.)

11   BY MS. GARDNER:

12           Q     I'd like to hand you what is marked as  
13     Plaintiff's Exhibit 718.

14                     This is an email from you to Vickie  
15     Cleveland, dated August 27, 2018. The subject is  
16     "Re: Budget."

17                     The document is Bates-stamped GA00332100.  
18                     Do you recognize this document?

19           A     Vaguely.

20           Q     And starting with the earliest email in  
21     time, which appears on the second page, am I correct  
22     that you email Amber McCollum on August 26, 2018,  
23     with a copy to Vickie Cleveland, and you say:  
24     "Amber, I have a system that is looking at serving  
25     their students in a classroom on their campus. They

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1 have 5 students, 2 elementary, 1 middle, and 2 high  
2 school. What would be the formula for my budget as  
3 to the amount the system would receive per student?"

4 Do you see that?

5 A I do.

6 Q What system were you referring to here?

7 A I'm not sure what system I was referring  
8 to.

9 Q Were the five students that you are  
10 referring to in this email being served by Horizon  
11 GNETS at the time you sent this email?

12 A Yes, uh-huh.

13 Q And so then am I correct in understanding  
14 that the system was considering serving those  
15 students in a general education environment?

16 A Well, they were considering serving on --  
17 serving the students in their -- not necessarily  
18 general education. In a classroom, creating a  
19 classroom to serve the students.

20 Q Was that classroom going to be a GNETS  
21 classroom?

22 A I don't think so. If I remember  
23 correctly, it was a system that was going to pull  
24 the students from the GNETS program and serve their  
25 own students in a classroom, and I think that's why

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1 I was asking about what would be the funding from my  
2 budget, going back to them for the FTE. I think is  
3 what it was.

4 Q So you were -- is a short way of  
5 explaining what you were trying to figure out how  
6 much money you would no longer receive if those five  
7 students were served in a classroom by their home  
8 school system?

9 A I was trying to figure out how much money  
10 I would have to give the system back if they were  
11 going to serve their own students in their own  
12 setting and it was not a GNETS program.

13 Q Okay. So how much of Horizon GNETS funds  
14 you would have to give to the system if the system  
15 served those five students in a non-GNETS  
16 classroom --

17 A Right.

18 Q -- in their home school system?

19 A Right.

20 Q Who is Amber McCollum?

21 A She was the finance person for a while.  
22 Our contact, GNETS contact. She's at DOE. And  
23 she's like the finance person.

24 Q Okay. And she's the person who you  
25 decided to reach out to determine how the change



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1 that this system was considering would affect the  
2 Horizon GNETS budget?

3 A She was the person I was referred to from  
4 Vickie to reach out to.

5 Q Okay. So Ms. Cleveland directed you to  
6 reach out to Amber McCollum?

7 A Right.

8 Q Did the change that you mentioned the  
9 system was considering in this email actually occur?

10 A If I remember correctly, it occurred at  
11 the beginning of the year through -- and then -- it  
12 occur at the beginning of school year, if I remember  
13 correctly, at the beginning of -- in January, they  
14 want to refer students back to us.

15 Q So from what you recall, the system did  
16 pull those five students from Horizon GNETS and  
17 serve them in a non-GNETS classroom in their school  
18 system for the first semester of the school year?

19 A That's correct.

20 Q And then you said that in the second  
21 semester of that same school year the system then  
22 wanted to refer the five students back to GNETS?

23 A That's correct.

24 Q And what was the reason for the system  
25 wanting to refer the students back to GNETS?

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1           A     They didn't have the staff equipped to  
2     work with those students.

3           Q     And when you say they didn't have the  
4     staff equipped to work with those students, what do  
5     you mean they didn't have the staff equipped to work  
6     with the students?

7           A     That means they could not find -- I don't  
8     think they had a teacher training support person  
9     that they could find to work with those GNETS  
10    students.

11          Q     Did the change that occurred in that  
12    initial semester impact Horizon's budget?

13          A     No. I received the funding.

14          Q     Does the Horizon GNETS program receive  
15    inquiries from its fiscal agent about its GNETS  
16    program operations, affirmative inquiries?

17          A     Say it again now.

18          Q     Does Horizon GNETS program receive  
19    inquiries affirmatively from its fiscal agent, where  
20    the fiscal agent is reaching out to you to learn  
21    something about the program?

22          A     I still don't understand the question.

23          Q     I'm trying to understand whether you ever,  
24    you know, get phone calls or emails from someone  
25    affiliated with your fiscal agent where that person

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1 is looking to -- they have a question about your  
2 operations and so they ask you for information or  
3 data about Horizon GNETS program operations?

4 A I get questions from LEAs but I'm not sure  
5 when you say a fiscal agent, which is Coastal Plains  
6 RESA, I'm not sure about them, but I do get  
7 questions from LEAs.

8 Q But none necessarily that you recall from  
9 your fiscal agent?

10 A No.

11 Q I'd like to hand you what will be marked  
12 718 --

13 THE COURT REPORTER: Are you up to 719?

14 THE WITNESS: It is 19.

15 MS. GARDNER: Sorry. 719. My apologies.

16 (WHEREUPON, Plaintiff's Exhibit-719 was  
17 marked for identification.)

18 BY MS. GARDNER:

19 Q Plaintiff's Exhibit 719, this is an email  
20 from Nakeba Rahming to you dated April 14, 2017,  
21 with the subject "Re: GNETS Attorney."

22 This document is gates stamped GA01935164.

23 Do you recognize this email?

24 A I can't recall right now.

25 Q Am I correct that in starting with the

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1 email first in time in the thread, you reached out  
2 to Nakeba Rahming on April 14th, 2017, and in your  
3 email to Ms. Rahming you said: "The fiscal agent  
4 attorney wants the contact information for the GNETS  
5 attorney. Please send that information to me.  
6 Thanks."

7 Is that correct?

8 A I don't recall that but I guess, I mean --  
9 I don't recall this email.

10 Q Do you have any reason to believe that  
11 this email is inaccurate?

12 A No, no, no.

13 Q So correct that in this document there is  
14 an email from you to Ms. Rahming in which you reach  
15 out and you say that the fiscal agent attorney wants  
16 the contact information for the GNETS attorney?

17 A Yes.

18 Q And you ask Ms. Rahming to send that  
19 information to you?

20 A Yes.

21 Q And when you say the fiscal agent  
22 attorney, are you referring to the attorney for  
23 Horizon GNETS's fiscal agent?

24 A I'm not sure because I'm looking at the  
25 date. I'm not sure if this is fiscal agent at this

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1 time was Lowndes County or was it Coastal Plains  
2 RESA. I'm not sure.

3 Q Your email address that you send this  
4 email from at this time is a Lowndes County email --

5 A Yes.

6 Q -- address, correct?

7 A Yeah, it was.

8 Q So would Lowndes County have been the  
9 fiscal agent at that time?

10 A Yes.

11 Q But whoever the fiscal agent was, I just  
12 want to confirm when you say the fiscal agent  
13 attorney, you're talking about Horizon GNETS's  
14 fiscal agent?

15 A Yes. Correct.

16 Q Ms. Rahming responded to your request,  
17 correct?

18 A Yes.

19 Q And who did she identify as a contact for  
20 the GNETS attorney?

21 A I'm not sure. From this email it looks  
22 like it was Stacey Drake, but I'm not sure.

23 Q Ms. Rahming says: "Hi, Sam, Here is  
24 Stacey's contact information"?

25 A Yes.

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1 Q And there's a signature block that has  
2 Stacey Suber-Drake with her title and address and  
3 phone number and email address?

4 A Uh-hum. Yes.

5 Q How many people were on staff at Horizon  
6 GNETS in the 2021-22 school year? So last school  
7 year.

8 A Uh-hum.

9 Q How many people were on staff at Horizon  
10 GNETS program?

11 A I'm going to give you an approximate  
12 because I can't give the exact number, but I think  
13 it's around 56.

14 Q Last school year?

15 A I think. Around 50, 56.

16 Q Okay. And approximately how many people  
17 are on staff at Horizon GNETS in the current 2022-23  
18 school year?

19 A Between 50 and 56. I'm not sure of the  
20 exact number.

21 Q Are there any contracted positions at  
22 Horizon GNETS that you do not consider on staff in  
23 the numbers that you just gave me?

24 A Right. Contract numbers are not in the  
25 staff.

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1 Q But do you have contract positions that --

2 A I do.

3 Q -- are not included in those numbers?

4 A I do.

5 Q And what are those contract positions?

6 A I have one PE teacher that's contracted.

7 I have two school nurses that are contracted.

8 And then I have an art teacher that was  
9 contracted in 2021.

10 Q The PE teacher that's contracted, is that  
11 an itinerate teacher or are they assigned to a  
12 specific site?

13 A It's a retired teacher that contracted and  
14 worked with our students.

15 Q Right, but so -- while that person is a  
16 contract PE teacher for Horizon GNETS, is that  
17 teacher assigned to a particular Horizon GNETS site  
18 location, or do they travel across various --

19 A A site location. She's assigned to the  
20 Valdosta site.

21 Q Okay. And what about the two school  
22 nurses?

23 A The two school nurses are assigned to the  
24 center-based programs, one in Valdosta and then this  
25 program.

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1 Q Those two school nurses, are they  
2 full-time at those sites?

3 A They're part-time.

4 Q And how many days per week are they  
5 present on the sites?

6 A They're five days a week and I think it's  
7 four or five hours per day.

8 Q So it's the same for both nurses?

9 A Yes. Uh-hum.

10 Q The art teacher that you mentioned was a  
11 contract teacher, I think you said, in 2021?

12 A Right.

13 Q Was that teacher assigned to a particular  
14 Horizon GNETS site?

15 A She served all the sites.

16 Q Does the Horizon GNETS program currently  
17 have any vacancies?

18 A Yeah. Here at the Colquitt site, and then  
19 one at the Tifton site.

20 Q How many vacancies are there at the  
21 Colquitt site?

22 A At the Colquitt site we have -- I think  
23 it's three paraprofessional vacancies.

24 Q Any other vacancies besides paraprofessionals at  
25 Colquitt?



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1           A     Yes. I have one at the Tifton site,  
2 teacher vacancy.

3           Q     Right. But just so the record is clear, I  
4 was asking whether you have any other vacancies at  
5 Colquitt aside from the three paraprofessionals?

6           A     I do not.

7           Q     So moving on to the Tifton site is that  
8 you have one teacher vacancy at that site?

9           A     Yes.

10          Q     Do you have any other vacancies at the  
11 Tifton site apart from the one teacher vacancy?

12          A     I do not.

13          Q     And do you have any other vacancies at any  
14 other Horizon GNETS sites apart from Tifton and  
15 Colquitt?

16          A     Not at this time.

17          Q     Approximately how many students were  
18 served at the Horizon GNETS program in the 2021-22  
19 school year, last school year?

20          A     I couldn't give you an accurate number. I  
21 don't know.

22          Q     Approximately how many students are  
23 currently being served in the Horizon GNETS program  
24 this 2022-23 school year?

25          A     Up until now, it's 119, I think.

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1 Q Were your numbers last school year similar  
2 to the numbers this school year?

3 A Say that again.

4 Q Were the numbers of students served at  
5 Horizon GNETS last school year similar to the number  
6 of students currently being served this school year?

7 A I can't say that because we're not at the  
8 end of the school year yet. I mean usually we end  
9 up at the end of the school year with more students,  
10 as they're coming in. So right now we just have the  
11 first semester. I can't really say if we're going  
12 to serve more.

13 Q Do you have a sense from your recollection  
14 of last school year whether you were about the same  
15 pace as you are this school year, whether it was  
16 materially different?

17 A It's just about the same.

18 Q Have you noticed any significant  
19 fluctuations or changes in the number of students  
20 served at Horizon GNETS over the last five to seven  
21 years?

22 A Yes. At the Valdosta location.

23 Q And what has been that significant  
24 fluctuation or change that you've noticed?

25 A In the number of students that are

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1 referred to the program.

2 Q And how has that number changed?

3 A It's increased.

4 Q So you would say over the last five to  
5 seven years the number of students referred to the  
6 Valdosta Horizon GNETS site has increased?

7 A Yes.

8 Q Have you seen any similar trends in terms  
9 of increased numbers of referrals for any of your  
10 other sites?

11 A Not really. This site, the numbers are up  
12 and down, so I don't really know.

13 Q What do you attribute the increase in the  
14 number of referrals for students at the Valdosta  
15 Horizon GNETS site?

16 MR. NGUYEN: Object to the form.

17 You may answer the question.

18 BY MS. GARDNER:

19 Q You can answer.

20 MR. NGUYEN: You can answer the question.

21 A Usually it's students that transfer in  
22 from other areas.

23 Q So why would that cause the number of  
24 referrals to increase?

25 A Because students are transferring in, and

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1 they transfer into the, the LEAs and Valdosta,  
2 Lowndes, and then once they transfer in they usually  
3 come from Florida, and after the child is at the  
4 regular school for a while and they get all the  
5 paperwork, they realize that child was served in a  
6 different setting. So the child was having problems  
7 at the regular setting, so they're referred to us.

8 Q You said most of those students in your  
9 experience are students who are coming from Florida?

10 A Yeah, most of them come in from Florida or  
11 other areas.

12 Q When you say "or other areas," what other  
13 areas?

14 A We get a lot of students that move from  
15 different locations as far as foster homes, and some  
16 of those will land up in the Valdosta area.

17 Q To what extent generally, and I'm not just  
18 talking about the increase in referrals at this  
19 point, do you notice that those students served at  
20 the Valdosta site are students in foster care?

21 A Yes.

22 Q Is there -- there's a significant number?

23 A Yes.

24 Q -- students at the Valdosta site --

25 A We do.

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1 Q -- in foster care?

2 A Yes.

3 Q I'm going to ask that question one more  
4 time.

5 Are there a significant number of students  
6 at the Valdosta GNETS site who are in foster care?

7 A Yes.

8 Q Thank you.

9 Is that true of any of your other Horizon  
10 GNETS sites?

11 A Not a significant increase.

12 Q When you say "not a significant increase,"  
13 my question was about whether there is a significant  
14 number of students at the Valdosta site that are in  
15 foster care, and your answer was yes. That's  
16 correct?

17 A Yes.

18 Q And so I'm wondering whether there's a  
19 significant number of students at any of your other  
20 Horizon GNETS sites who are in foster care?

21 A Not a significant, no.

22 Q Based on your work with the Horizon GNETS  
23 program and your experience over the last 12 years  
24 or so as director, what is your understanding as to  
25 why there's such a significant number of students at

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1 the Valdosta site in foster care?

2 A I'm not sure.

3 Q Is there like group home within that  
4 catchment area, or anything along those lines that  
5 would contribute to that?

6 A Yeah, there's several group homes but I'm  
7 not sure that attributes to the influx in numbers.

8 Q Have you ever taken any steps to explore  
9 that?

10 A I have not.

11 (WHEREUPON, Plaintiff's Exhibit-720 was  
12 marked for identification.)

13 BY MS. GARDNER:

14 Q I'm going to hand you what is marked as  
15 Plaintiff's Exhibit 720.

16 Do you recognize this document?

17 A I do.

18 Q What is this?

19 A It looks like our student handbook. Or  
20 our handbook, student handbook.

21 Q And you said this is the Horizon Academy  
22 school handbook? Is that what you said?

23 A I said handbook.

24 Q Handbook, okay.

25 This is a document that the Horizon GNETS

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1 program produced in response to the United States  
2 subpoena; is that correct?

3 A Correct.

4 Q I want to just talk about a few provisions  
5 of this handbook.

6 If you turn to Page 7, there is a section  
7 that is captioned Professional Personal --  
8 "Professional Personnel Contract Provisions."

9 Do you see that?

10 A I do.

11 Q And do you see that it reads: "A contract  
12 is binding to both the employing Board of Education  
13 (acting on behalf of the Advisory Board) and the  
14 professional employee. The contract is valid for  
15 the stated period and implies no basis for renewal.  
16 Employment is subject to adequate funding through  
17 the Georgia Department of Education."

18 Do you see that?

19 A I do.

20 Q What does it mean that employment is  
21 subject to adequate funding through the Georgia  
22 Department of Education?

23 A I'm not sure but I think it's referencing  
24 -- it's a reference to the budget, state and federal  
25 funds.

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1 Q And the fact that the Horizon GNETS  
2 program's funding comes from the State of Georgia?

3 A Yes.

4 Q Also on Page 7 there is a section that  
5 says, "Professional Certification-Consultant  
6 Teachers."

7 Do you see that?

8 A I do.

9 Q This says: "All Horizon Academy  
10 consultant teachers must have a minimum of a  
11 Bachelor's Degree in social work, special education,  
12 school psychology, or behavioral science, and must  
13 hold a valid Georgia certificate from the State  
14 Department of Education." Correct?

15 A Yes.

16 Q You started to explain earlier what a  
17 consultant teacher is, but would you indulge me and  
18 explain that again?

19 A Okay. We have consultant teachers at all  
20 of the sites, and basically their duty is they are  
21 the liaison between the LEA and Horizon Academy.  
22 Most of the consultant teachers, they keep up with  
23 IEPs. They attend meetings. They're the ones that  
24 go out and observe students before they come into  
25 our program.



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1           They sit in on some of the staff -- on  
2     some of the 504s at the regular schools if they're  
3     having some concerns and problems. They provide  
4     feedback.

5           They help with doing FBAs in the regular  
6     school setting, help to ensure that BIPs are  
7     implemented with fidelity. They work with teachers  
8     in the classroom as far as students' IEPs. They  
9     work with parents.

10           Those kind of things.

11           Q     Okay. And I believe earlier you said that  
12     you currently have five consultant teachers --

13           A     That's correct.

14           Q     -- across the Horizon GNETS program?

15           A     That's correct.

16           Q     And I believe you said there are two  
17     consultant teachers at Valdosta?

18           A     That's correct.

19           Q     And there's one at Tifton?

20           A     Correct.

21           Q     There's one at Berrien/Cook?

22           A     Yes.

23           Q     And one at Colquitt?

24           A     Yes.

25           Q     I believe you also said that your

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1 consultant teachers operate independently of the --  
2 they're not classroom teachers?

3 A Right. They're not classroom -- they're  
4 former classroom teachers but they're not directly  
5 in the classroom teaching students.

6 Q So this handbook outlines the sort of  
7 minimum credentials for a consultant teacher at  
8 Horizon GNETS, correct?

9 A That's correct.

10 Q How many of your five consultant teachers  
11 have a bachelor's degree in social work?

12 A None right now have any.

13 Q How many of them have a bachelor's degree  
14 in special education?

15 A Four.

16 Q How many of them have a bachelor's degree  
17 in school psychology?

18 A Two.

19 Q So does that mean that some of them have a  
20 bachelor's degree both in special education and  
21 psychology?

22 A Yes.

23 Q And how many fall into that category?

24 A Say that again now.

25 Q You said there were four consultant

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1 teachers who have a bachelor's degree in special  
2 education?

3 A Right.

4 Q And then you said there's two consultant  
5 teachers who have a bachelor's degree in school  
6 psychology. So that's six, but you only have five  
7 consultant teachers?

8 A No. Two of the four, they have a degree  
9 in special ed, and two of the four have a background  
10 in psychology -- a bachelor of psychology of the  
11 four.

12 Q But you have five consultant teachers?

13 A Right, five.

14 Q Okay. And what about the fifth teacher,  
15 what is their background?

16 A The fifth teacher has a counseling  
17 background.

18 Q So bachelor's degree in some sort of  
19 counseling?

20 A Yes.

21 Q Do you evaluate any Horizon GNETS  
22 personnel directly?

23 A I do.

24 Q Which ones?

25 A I evaluate the coordinators.

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1 Q Anyone else?

2 A That's it.

3 Q Do you ever evaluate classroom teachers,  
4 GNETS classroom teachers?

5 A Very rarely. I do but not -- I don't on a  
6 consistent basis.

7 Q Under what circumstances would you  
8 evaluate a GNETS classroom teacher?

9 A If a teacher is having some concerns,  
10 classroom teacher, then as a second view I might go  
11 in and do an evaluation and then compare it with the  
12 coordinator.

13 Q Okay. When you're saying if a teacher is  
14 having some concerns, what kind of concerns?

15 A Classroom issues as far as behavior.  
16 Content, being able to teach the content. Those  
17 kind of things.

18 Q So meaning if there are concerns about a  
19 teacher's effectiveness?

20 A Right.

21 Q And you may also conduct an evaluation of  
22 that teacher?

23 A Yes.

24 Q Did you conduct any teacher evaluations  
25 last school year?

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1 A No.

2 Q Okay. Have you conducted any this school  
3 year?

4 A Not at this time.

5 Q Do you expect to conduct any teacher  
6 evaluations this school year?

7 A Yes.

8 Q And how many?

9 A Two.

10 Q And those are teachers where there are  
11 concerns about their performance?

12 A Yes.

13 Q Are those teachers new to Horizon GNETS?

14 A Yes.

15 Q So this is their first year?

16 A Yes.

17 Q And which site or sites are those teachers  
18 located at?

19 A Valdosta site.

20 Q Both at Valdosta?

21 A Yes.

22 Q Turning to Page 14, do you see the section  
23 captioned "Field Trips"?

24 A Yes.

25 Q And at the beginning it says: "Horizon

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1 Academy teachers are encouraged to use community  
2 resources to the extent that they supplement and  
3 enhance student learning and growth."

4 Do you see that?

5 A I do.

6 Q How many field trips have there been at  
7 Horizon GNETS this school year?

8 A We haven't done any since COVID. We  
9 haven't done any field trips at all.

10 Q Okay. When is the -- what is the last  
11 Horizon GNETS field trip that you recall?

12 A The last one I recall was a field trip at  
13 the Tifton site took and they came to Valdosta to  
14 the Cultural Arts Center, but I think it's been like  
15 two years ago, before COVID.

16 Q Two years before COVID?

17 A No, not two years before COVID. Before  
18 COVID -- I mean not two years before COVID.

19 Q Okay.

20 A Like 2019 maybe, I'm not sure. 2020.

21 Q Okay. And was that all the students from  
22 the Tift County site participating or a subset?

23 A All the students.

24 (WHEREUPON, Plaintiff's Exhibit-721 was  
25 marked for identification.)

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1 BY MS. GARDNER:

2 Q I'm going to hand you what is marked as  
3 Plaintiff's Exhibit 721.

4 This is an email from you to Lakesha  
5 Stevenson, dated September 5th, 2019. The subject  
6 is: "Forward: Funding Ratios document."

7 This document is Bates-stamped GA00951685.

8 And has one attachment that is an Excel  
9 file, file named "Copy of Funding Ratios 8-28-19."

10 Do you recognize this?

11 A Vaguely.

12 Q Turning to the attachment, and the  
13 attachment is included with the exhibit.

14 I'll just note that it was produced in  
15 Excel, even though it's printed here, and the Bates  
16 number for that was GA00951686.

17 Am I correct that this shows the staffing  
18 for the Horizon GNETS program locations as of August  
19 28, 2019?

20 A Uh-hum. (Affirmative.)

21 Q And at that time there were two centers  
22 and two school-based locations?

23 A That's correct. Now, you got to look at  
24 the first one, Berrien-Cook, those are different  
25 locations. One is in Berrien and one is in Cook,

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1 but they're as one, I think.

2 Q So there's two separate sites for --

3 A Right. One is in Berrien, one is in Cook.

4 Q Okay. But this just aggregates those two  
5 sites?

6 A Okay.

7 Q This says that there are three teachers at  
8 each site. Does that mean there are three teachers  
9 or six teachers?

10 A Where are you looking at, the  
11 Berrien-Cook?

12 Q Uh-hum.

13 A There are three total.

14 Q Okay. At the time of this chart, Horizon  
15 did not have any BCBAs at any of its sites or  
16 centers, correct?

17 A That's correct.

18 Q And it didn't have any psychologists at  
19 any of its sites or centers?

20 A That's correct.

21 Q It also didn't have any social workers at  
22 any of its sites or centers?

23 A That's correct.

24 Q Horizon did have an administrative  
25 assistant at each center, correct?



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1 A Yes.

2 Q Center?

3 A Yes, that's correct.

4 Q And then it also had an administrative  
5 assistant at one of the school-based locations?

6 A That's correct.

7 Q And that was the Tifton location?

8 A Correct.

9 Q And then Horizon had a coordinator at each  
10 of the site locations that are broken out here,  
11 whether they were a center or school-based?

12 A That's correct.

13 Q And just so I understand, there's just one  
14 coordinator for Berrien and Cook, even though, as  
15 you say, in this chart it was aggregating two sites?

16 A That's correct.

17 Q How far apart are the Berrien and Cook  
18 sites that you mentioned are aggregated here?

19 A Probably about six or seven miles.

20 Q And then this chart also shows the number  
21 of teachers and paraprofessionals at the centers and  
22 school-based locations, correct?

23 A At that time, yes.

24 (WHEREUPON, Plaintiff's Exhibit-722 was  
25 marked for identification.)

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1 BY MS. GARDNER:

2 Q I show you what is marked as Plaintiff's  
3 Exhibit 722.

4 Am I correct that this is the grant  
5 application for Horizon Academy GNETS program for  
6 the FY 22 school year?

7 A That's correct.

8 Q And this document was produced by the  
9 Horizon GNETS program in response to the United  
10 States subpoena?

11 A That's correct.

12 Q Looking at this first page, am I correct  
13 that this list of form names is a list of the forms  
14 or sort of topical areas that Horizon must complete  
15 when submitting its grant application?

16 A That's correct.

17 Q So it completes a form or a section  
18 regarding its staffing pattern, as one of the forms  
19 listed here?

20 A The staffing pattern was already  
21 populated, I think, and we didn't create -- I didn't  
22 do the staffing pattern.

23 Q But that information appears in the grants  
24 application?

25 A Right. Correct.

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1 Q And then the Horizon GNETS program would  
2 also complete a form regarding its behavioral  
3 supports and therapeutic services?

4 A Correct.

5 Q And it would do so regarding its  
6 instructional and academic supports?

7 A Correct.

8 Q And this list goes on and it has numerous  
9 sort of forms listed, correct?

10 A Correct.

11 Q And in order to complete the grant  
12 application, the Horizon GNETS program has to  
13 complete all of these, correct?

14 A That's correct.

15 Q I'd like to turn to the third page, which  
16 is the staffing pattern form.

17 A You said the third page?

18 Q Yes, the third page in.

19 The pages are not consecutively numbered,  
20 so it might be easier to start from the front and  
21 flip to the third page.

22 A Is that 2 out of 4 at the bottom?

23 Q It's 1 out of 2 at the bottom and it has a  
24 header that says, "Staffing Pattern" at the top of  
25 the page.

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1 I think you're too far in. Go back to the  
2 very first page. Stop right there. Is that  
3 Staffing Pattern?

4 A It's 1 out of 4.

5 Q Does it say Staffing Pattern at the top?

6 A No. It says Personnel List. Let me see  
7 if I have the wrong page.

8 I've got Personnel List and -- I don't  
9 have Staffing Pattern.

10 Q My apologies. In your version there is at  
11 the very end.

12 A Okay.

13 Q So if you look at the last two pages of  
14 the document.

15 A Okay. I see it.

16 Q And you see it says Staffing Pattern?

17 A It's 1 of 2, right?

18 Q Yes.

19 A At the bottom?

20 Q Yes.

21 A Got it.

22 Q And I just want to go through some of  
23 these positions. It says here that there is one  
24 GNETS secretary at Horizon?

25 A That's correct.

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1 Q And it also says that there are two GNETS  
2 social workers? Do you see that under Student  
3 Support Services?

4 A Yes. But that -- that's not a licensed  
5 social -- I'm trying to think.

6 I think that was wrong because I think  
7 that was a consultant teacher. It's not a license  
8 -- they're not licensed social workers. So that's  
9 an error there.

10 Q So do you currently have any licensed  
11 social workers on staff at Horizon GNETS?

12 A Not at this time.

13 Q The two that are identified here as GNETS  
14 social worker, you believe those are consultant  
15 teachers?

16 A I'm sure those are consultant teachers.

17 Q Okay. And those two social workers that  
18 are listed that are consultant teachers, those  
19 positions are funded by the State grant?

20 A Yes.

21 Q Moving down, it says that there are three  
22 GNETS special education specialists.

23 Do you see that?

24 A I do.

25 Q Are those also consultant teachers?

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1 A They are.

2 Q And those three consultant teachers that  
3 appear as GNETS special education specialists are  
4 also funded by the State grant?

5 A Yes.

6 Q Under Instructional Staff, there is a line  
7 item for GNETS Teacher. Do you see that?

8 A I do.

9 Q And it says there are 21 GNETS teachers?  
10 Correct?

11 A At that time, yes.

12 Q And those are all funded by the State  
13 grant?

14 A Yes.

15 Q Do you have 21 GNETS teachers currently?

16 A I think. Let me see.

17 (Pause.)

18 Yes.

19 Q And this says that there are no LEA funded  
20 GNETS teachers, correct?

21 A That's correct.

22 Q Is that still currently accurate?

23 A Yes.

24 Q The staffing pattern also shows one  
25 director in the program, correct?

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1 A That's correct.

2 Q And that's you?

3 A Yes.

4 Q And your position is funded through the  
5 State grant?

6 A Yes.

7 Q This staffing pattern shows that there are  
8 18 GNETS paraprofessionals. If you look at the  
9 grand total, it doesn't sort of show where the staff  
10 fall apart from that.

11 How are your 18 paraprofessionals funded?

12 A Federal funds.

13 Q If you look at the page immediately  
14 preceding the Staffing Pattern, the Student  
15 Transition form. Do you see that?

16 A I do.

17 Q This says that Horizon Academy had 116  
18 students across all of its center locations,  
19 correct?

20 A Yes.

21 Q And then it had 52 students across its  
22 school-based GNETS classrooms?

23 A Yes. I see that, yes.

24 Q And then this shows there were 15 students  
25 who were returned to their home district?

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1 A Yes.

2 Q Do those 15 students that were returned to  
3 their home district, does that mean that those  
4 students fully returned to their home district, as  
5 in they didn't spend any segments in GNETS?

6 A No.

7 Q So a student would be counted in this 15  
8 even if they continued to spend some portion of a  
9 day or segment in GNETS?

10 A Right.

11 Q So how -- what is the distinction between  
12 the students that are in the 15 who might have, you  
13 know, some segment in GNETS and then students who  
14 are in the 52 in GNETS classrooms?

15 A In this report it says return to the home  
16 school district. And so we count those students as  
17 half day into that number that return to the home  
18 school district.

19 Now, we do keep data management, too, that  
20 has the number of students who have transitioned  
21 completely full day.

22 Q So you separately keep a number of  
23 students that have transitioned completely and don't  
24 have any segments in GNETS?

25 A Right, we keep that.



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1 Q Okay. But this number, this 15, could  
2 include students that are doing half a day in their  
3 home school district and half a day at GNETS?

4 A Right.

5 Q I'd like to go backwards two more pages  
6 from that, I believe, towards the front.

7 A What's the bottom?

8 Q The bottom says 102. So it's not  
9 particularly helpful. It's the section that starts  
10 with "Behavioral Support and Therapeutic Services."

11 A This page?

12 Q Yeah.

13 A I got it.

14 Q I want to talk a little bit about the  
15 tiers that are listed here.

16 Do you see there's a reference to Tier I?

17 A Yes.

18 Q And it says: "Tier I supports and  
19 services are provided daily for 100 percent of  
20 students"?

21 A Yes.

22 Q This says there's 173 students in Tier I,  
23 correct?

24 A Right.

25 Q And so that is the 116 students in centers

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1 and the 56 students in something close to it, 56  
2 students in GNETS classrooms?

3 A Correct, right. This is everybody. This  
4 is the transition students that came in when I  
5 mentioned regular schools, the whole, complete year.

6 Q So this says that all students -- in the  
7 sort of paragraph below, explains that all students  
8 in Tier 1 receive PBIS, correct?

9 A That's correct.

10 Q Midway through the narrative box that  
11 appears in this section of Tier 1, do you see where  
12 it says: "Students receive positive reinforcement  
13 for the appropriate behavior along with student  
14 bucks that can be redeemed on Fridays"?

15 A Yes.

16 Q Do those bucks have a name?

17 A Horizon Bucks

18 Q Horizon Bucks?

19 A Yeah.

20 Q And the idea is that students can earn  
21 bucks so they can later spend those bucks to obtain  
22 something that is a privilege?

23 A Yeah, that's what it is, PBIS, Horizon  
24 Bucks.

25 Q What would be examples of some privileges

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1 that students can spend bucks on?

2 A It could be some things they can spend  
3 their bucks on, we have what we call a PBIS store,  
4 and it has all kinds of stuff. It has snacks,  
5 sometimes small toys, a combination of stuff.

6 Q Anything that students can spend bucks on  
7 separate from what's in the PBIS store?

8 A No. We just have the PBIS store.

9 Q Moving town to the bottom of this  
10 paragraph, it says, in the second-to-last sentence:  
11 "We also address therapeutic needs through an art  
12 therapist that serve students weekly."

13 Do you see that?

14 A Uh-hum. (Affirmative.)

15 Q Do you still have an art therapist  
16 currently?

17 A I do not.

18 Q When was the last time you had an art  
19 therapist?

20 A It was the last year. She died through  
21 COVID.

22 Q Sorry to hear that.

23 Moving on to Tier 2, this says that there  
24 are 71 students in Tier 2, correct?

25 A Yes.

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1 Q And looking at the narrative beneath that,  
2 it says, "Students in Tier 2 receive all services  
3 received in Tier 1 along with," and then it lists  
4 additional things students in Tier 2 receive.  
5 Correct?

6 A Yes.

7 Q And the first thing that it lists that  
8 students in Tier 2 receive is conflict resolution  
9 instructions?

10 A Yes.

11 Q What is that?

12 A That's something that the teachers use.  
13 It's a canned program, and the teachers in the  
14 classroom use that.

15 Q When you say it's a canned program, is  
16 there a name of the program?

17 A I can't think of it now. It's a program  
18 we purchased. That's why I said canned.

19 Q Separate from Second Steps --

20 A Sorry.

21 Q Separate from Second Steps?

22 A Yes. A scripted program.

23 Q This says students in Tier 2 also receive  
24 anger management instruction. Do you see that?

25 A Yes.

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1 Q And what is that?

2 A That's throughout -- we have a Family  
3 Insight counseling services that come in and they  
4 teach about that.

5 Q So students in Tier 2 who receive the  
6 anger management instructions would be students who  
7 are receiving counseling from Family Insight?

8 A Yes.

9 Q And that's the outside provider we  
10 discussed earlier?

11 A Correct.

12 Q Next this says "Second Steps."  
13 Do you see that?

14 A Yes.

15 Q Is Second Steps something that is only  
16 provided to Tier 2 students?

17 A Yes and no. We do provide some Tier 1 but  
18 mostly it's for Tier 2 students. We do whole group  
19 follow-ups and things, Tier 1 --

20 THE COURT REPORTER: I'm sorry, I didn't  
21 understand what you said. We do what?

22 A Okay, Second Steps is mostly for Tier 2  
23 but we do some in Tier 1 because it targets a lot of  
24 specific behaviors.

25 Q Then the last thing in this list for

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1 students in Tier 2, this first sentence says,  
2 "Behavior Skills Training."

3 Do you see that?

4 A Same area? I don't see that. That's in  
5 Tier 2?

6 Q Yeah. It says -- so that in Tier II it  
7 says "students in Tier 2 receive all services  
8 received in Tier 1 along with conflict resolution  
9 instructions, anger management instructions, Second  
10 Steps, and behavior skills training."

11 A Yes.

12 Q So what is the behavior skills training  
13 that students in Tier 2 receive?

14 A It's just something in-house teachers do.

15 Q Informally?

16 A It's not -- yeah, informally. It's not  
17 necessarily a program.

18 Q And that's done by the classroom teachers?

19 A Yes.

20 Q The next sentence says: "Apex serves  
21 students on campus to address mental health and  
22 behavior dates."

23 Do you see that?

24 A Yes.

25 Q What is Apex?

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1           A     Apex is the behavior, mental health  
2     services, but they come to us from an LEA. The LEA  
3     will send them to serve their students, specific  
4     students.

5           Q     And which LEAs send Apex to serve their  
6     students?

7           A     Valdosta City.

8           Q     Any others?

9           A     We have had some from Lowndes, but mostly  
10    Valdosta City schools.

11                   And also Tift, I think, they receive some  
12    services from Apex, the Tift site.

13          Q     And students receiving those services  
14    would be at least in Tier 2?

15          A     Right.

16          Q     This goes on to say: "Counseling is  
17    performed by the local systems for students that  
18    need the support."

19                   Do you see that?

20          A     Yes.

21          Q     And what counseling is this referring to?

22          A     If students need outside counseling, more  
23    than what we can do, whatever, the LEA will send  
24    counselors into the program to see specific  
25    students.

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1 Q You said if a student needs counseling  
2 beyond what Horizon GNETS can perform, then the LEA  
3 where that student came from will send counselors  
4 in?

5 A Yes.

6 Q And what kind of counselors will the LEA  
7 send?

8 A It depends. It could be grief counselors.  
9 It could be -- most it is like grief counseling. So  
10 we have a counselor on staff.

11 Q And are the counselors that LEA send their  
12 own employees?

13 A Yes. Pretty much, yes.

14 Q Does any of this change depending on  
15 whether a student is at a GNETS classroom location  
16 or a GNETS center?

17 A Yes. It's different. If they're in a  
18 classroom location, most -- a lot of the services  
19 will come from that school, as far as the schools  
20 will have a counselor at that school. So a lot of  
21 it will come from the school.

22 Q And what about if a student is at a GNETS  
23 center?

24 A Then it would come from the LEA, will send  
25 someone to the -- to the program.



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1 Q To the center?

2 A Right.

3 Q This section also identifies Check and  
4 Connect as something that students in Tier 2  
5 receive?

6 A Yes.

7 Q And we discussed Check and Connect  
8 earlier, correct?

9 A Yes.

10 Q Now it says at the very end: "Students in  
11 Tier 2 receive one-on-one academic support when  
12 needed, benchmark or monitor closer, mini  
13 self-assessment are given more frequently."

14 Do you see that?

15 A Yes.

16 Q How are the benchmarks for students in  
17 Tier 2 monitored more closely?

18 A Okay. The benchmarks are done with most  
19 all the students in some of the school settings, but  
20 if we have a child that's having some behavior --  
21 not behavior -- academic issues, then we try to  
22 provide a one-on-one with that person and do some  
23 remediation through some other programs we have.  
24 And then we look at the benchmarks to see if that  
25 child has made any progress or not.

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1 And then monitor closely, that's where the  
2 child is making progress already.

3 Q And so when this says "the benchmarks are  
4 monitored closer," this is referring to students in  
5 Tier 2 because of -- for academic reasons?

6 A Right, right. Correct.

7 Q And then it says also that many  
8 self-assessments are given more frequently. Is this  
9 referring to academic or behavioral  
10 self-assessments?

11 A Academic.

12 Q Turning to Tier 3, this says that there  
13 are 24 students in Tier 3, correct?

14 A At that time, yes.

15 Q And that was 13 percent of all Horizon  
16 GNETS students?

17 A Yes.

18 Q This says that students who are in Tier 3  
19 receive support from Tier 1 and Tier 2 for behavior  
20 and academics, correct?

21 A Correct.

22 Q So that means students in Tier 3 would  
23 receive all of the things that students in Tier 1  
24 and Tier 2 receive in addition to what is discussed  
25 here?

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1 A That's correct.

2 Q And then this goes on to say that students  
3 in Tier 3 also receive support from the Lowndes  
4 Interagency Planning Team, LIPT?

5 A Yes.

6 Q What is the Lowndes Interagency Planning  
7 Team?

8 A That's a group that meets through mental  
9 health, and they discuss students individually. So  
10 it means if a student is having a lot of problems,  
11 whatever, that person's name comes up for that team  
12 and then we also round table and talk about some  
13 strategies that may be able to help.

14 Q And does Horizon GNETS regularly  
15 participate in the LIPT?

16 A Yes.

17 Q Who from Horizon GNETS participates?

18 A Jennifer Porter.

19 Q And who is Jennifer Porter?

20 A She's the coordinator at the Tifton site.

21 Q So she regularly attends that --

22 A She does, and then Sara Larazi from the  
23 Valdosta site.

24 Q They both regularly attend?

25 A Yes.

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1 Q Do you ever attend?

2 A Not often.

3 Q Would all Tier 3 students at Horizon GNETS  
4 be involved in the LIPT?

5 A Not necessarily.

6 Q That would be a subset?

7 A Say what now?

8 Q That would be a subset?

9 A Yes.

10 Q Have you had any Horizon GNETS students  
11 involved in the LIPT this school year?

12 A Yes.

13 Q And approximately how many?

14 A We've had two at the Tifton site.

15 Q What about last year, how many Horizon  
16 GNETS students did you have participating?

17 A I'm not sure, but we always have more at  
18 the Tifton site than other sites. I'm not sure.

19 Q Is there a reason you have more at the  
20 Tifton site?

21 A The Tifton participates more with the LIP  
22 Team, I think. And they have a real strong LIP Team  
23 in Tifton. The LIPT consists of mental health  
24 people. It's a gamut of people in the community and  
25 they have a stronger team in the Tifton area.

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1 Q So is there a separate LIPT for the Tifton  
2 area and then a different one for Valdosta?

3 A Yes.

4 Q And you're saying that the LIPT Team in  
5 Tifton is stronger?

6 A Yes.

7 Q In this list of services for students in  
8 Tier 3 there is a reference to counseling. Do you  
9 see that?

10 A Yes.

11 Q Is that counseling different from the Tier  
12 2 counseling?

13 A No. It's the same counseling.

14 Q This mentions therapeutic groups. Do you  
15 see that?

16 A Yes.

17 Q And what are those therapeutic groups?

18 A That's where the Family Insight, the  
19 program that -- the group that comes into the school  
20 setting, they do groups specifically for specific  
21 concerns.

22 Q Okay. And for therapeutic groups, how  
23 often weekly would those groups meet?

24 A It depends on the need.

25 Usually at the Valdosta location, because

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1 it's bigger, usually once a week.

2 Q Do those therapeutic groups exist at other  
3 locations?

4 A Yes.

5 Q Which other locations?

6 A Tifton. And this location.

7 Q And how often would therapeutic groups  
8 occur weekly at Tifton? Or maybe they were not  
9 weekly but how often?

10 A I'm not sure how often. I know the one  
11 here is -- it's probably once a week because they  
12 come out and they do it in the mornings. But I'm  
13 not sure about the one in Tifton.

14 Q And when you say that the therapeutic  
15 group, you know, for example, is one time per week,  
16 how long would each of those weekly sessions last?

17 A Each session lasts about 30, 35 minutes.

18 Q And does Family Insight meet all the  
19 therapeutic groups across the various sites?

20 A Yes.

21 MR. NGUYEN: We've been going for almost  
22 two hours since lunch break. So if we can take  
23 a five-minute break when you get to a good  
24 stopping point.  
25

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1 BY MS. GARDNER:

2 Q This also mentions mental health support?

3 A Yes.

4 Q What is that referring to?

5 A We have some students that receive mental  
6 health services, and sometime they will come into a  
7 school setting and meet with the students in the  
8 school setting.

9 Q Are those mental health services being  
10 provided by outside providers?

11 A Yes.

12 Q And what are -- are those providers  
13 through Family Insight or other providers?

14 A Other providers.

15 Q Are those providers that students  
16 typically have had relationships with prior to  
17 coming to GNETS?

18 A Some of them. Some of them do have  
19 relationships.

20 Q So it's a mix?

21 It's a mix?

22 A Say again now.

23 Q So it's a mix?

24 A Yes, it's mixed.

25 Q This also again mentions behavior skills

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1 training. Do you see that?

2 A I do.

3 Q Is that different from the behavior skills  
4 training you explained in connection with Tier 2?

5 A It's the same.

6 Q So that's informal behavior skills  
7 training provided by classroom teachers?

8 A Yes.

9 Q This also mentions in the very last  
10 sentence: "In some cases the ABA therapist is  
11 observing students for support."

12 Do you see that?

13 A Yes.

14 Q What is an ABA therapist?

15 A Applied behavior analysis. An ABA  
16 program, certified ABA person.

17 Q Do you have certified ABA personnel on  
18 staff at Horizon GNETS?

19 A I have one certified -- well, I have --  
20 let me back up.

21 I have an ABA therapist support. Okay,  
22 that's what you call it. We say all our paperwork  
23 to be an ABA therapist, but it's like a support  
24 person. It's not like a therapist.

25 Q So the person you have on staff is not the



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1 ABA therapist, it is somebody who's trained to  
2 support --

3 A Right, right. Right, right.

4 Q -- an ABA therapist?

5 A We do have ABA therapists that come in and  
6 those are sent in by the LEAs for services.

7 Q So the ABA -- the actual ABA therapist  
8 that comes to Horizon GNETS are sent by LEAs?

9 A Yes.

10 Q And this says they observe students for  
11 support, correct?

12 A Yes.

13 Q And what is the point of that observation?  
14 What comes out of that?

15 A They collect data, and from the data they  
16 turn that into some kind of -- usually some kind of  
17 behavior plan for us to follow.

18 Q Okay.

19 MS. GARDNER: I'm not quite finished with  
20 this document, but, however, if you want to  
21 take a break now.

22 MR. NGUYEN: It's up to you.

23 MS. GARDNER: I'm fine to finish the  
24 document if you're fine.

25 MR. NGUYEN: How long are you going to be?

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1 MS. GARDNER: It's just a couple more  
2 questions.

3 MR. NGUYEN: Yeah, yeah, yeah. Five or 10  
4 is fine.

5 MS. GARDNER: Okay.

6 MR. NGUYEN: Good.

7 BY MS. GARDNER:

8 Q We are going to move to the section of the  
9 grant application. It should be the page  
10 immediately before the section that we just looked  
11 at. We're kind of moving backward.

12 The Severe Behavior Management &  
13 De-escalation."

14 A Okay, I'm there.

15 Q Do you see that?

16 I'm looking at the narrative that falls at  
17 the bottom of the section. It says here that all  
18 staff are trained in MindSet.

19 Do you see that?

20 A Yes.

21 Q Is that still accurate today?

22 A It is.

23 Q Who trains your staff in MindSet?

24 A We have trainers on staff. We have two at  
25 the Valdosta site, one at the Adel site, it's a

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1 trainer. And I have a trainer at the Tifton site.

2 Q You mentioned the site after the Valdosta  
3 site, and I'm not sure what you said?

4 A I have two trainers at the Valdosta site.  
5 I have one train at the Adel site.

6 Q Adel.

7 A And I have one trainer at the Tifton site.

8 Q So how does the training work for staff  
9 who may be, for example, at the Colquitt site?

10 A Okay. Any time there's a staff that's  
11 hired at the Colquitt site, they don't do restraints  
12 until they're trained. And we do that as soon as  
13 possible because we have in-house people that can  
14 train them.

15 Q And do the staff have to go to one of your  
16 other sites where you have MindSet trainers?

17 A It depends on the numbers. If it has like  
18 two people that can be trained, then that person  
19 will come here.

20 Q Okay. How did your trainers that you have  
21 on staff get trained in MindSet?

22 A I think it's every two years they go to a  
23 training to be recertified, if that's what you call  
24 it. Recertified.

25 Q And who sponsors that training?

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1 A Steven Mahon. I think his name is Mohan.

2 Q Who is Steve Mohan?

3 A He's is the person that -- the guru of  
4 MindSet training.

5 Q Are you trained in MindSet?

6 A I was.

7 Q Are you trained currently in MindSet?

8 A No. I'm not certified. I'm not -- my  
9 certificate is not updated.

10 Q When was your certificate last updated?

11 A I think it was 2021, I think.

12 Q Then this also says all certified staff  
13 and 75 percent of all paraprofessional are trained  
14 in LSCI.

15 Do you see that?

16 A Yes, I see that.

17 Q What is LSCI?

18 A It's Life Space Crisis Intervention.

19 That's another training you have to go through.

20 It's like five days. I can't remember how many  
21 days. So we have a staff that goes through that  
22 training.

23 Q And is Life Space Crisis Intervention a  
24 de-escalation training?

25 A The same thing, yeah. Pretty much more

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1 intense training. MindSet is a training that trains  
2 the trainer. LSCI, you cannot Train The Trainer  
3 with that. You have to actually be trained for  
4 that.

5 Q Are all of your certified staff currently  
6 still trained in LSCI?

7 A No. I have a lot of new staff.

8 Q Approximately how many new staff do you  
9 have that are not trained in LSCI?

10 A Probably have nine, I think.

11 Q Nine?

12 A Maybe more than that. I'm not sure.

13 Q Are those staff going to receive LSCI  
14 training before the end of this school year?

15 A Yes. Once it's offered, we plan to have  
16 them trained.

17 Q And when is it next offered?

18 A Usually it's offered -- and we get a  
19 flyer, as far as update. It's not here in Valdosta.  
20 Sometimes it's in Waycross. Sometimes it's in  
21 Albany, Macon. We just get the fliers when they  
22 have it.

23 I can't remember when they have the next  
24 one.

25 Q Is there a particular time of year when

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1 they typically have the training?

2 A Usually they have it at the very beginning  
3 of the school year, and then they have some like in  
4 the middle, like of January, and then at the end of  
5 school year.

6 Q Okay. And were there trainings at the  
7 beginning of this current school year?

8 A No, we didn't have any.

9 Q And then this mentions that 75 percent of  
10 paraprofessionals are trained in LSCI. Is that  
11 currently the percentage?

12 A No. That was at this time. No. I have a  
13 lot of paraprofessionals that have gone to other -- avenues,  
14 yeah.

15 Q So then you would say that there are a  
16 smaller percentage of paraprofessionals who are  
17 trained in LSCI currently?

18 A Yes.

19 Q Are you trained in LSCI?

20 A No.

21 Q Have you ever been trained in LSCI?

22 A No.

23 I take that back. When I was first a  
24 teacher in the GNETS program. That's been a long  
25 time ago, I think I was.

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1 Q Okay. But not since then?

2 A No.

3 Q In this section of the Horizon GNETS grant  
4 application, it says that 67 students were  
5 restrained.

6 Do you see that?

7 A I do.

8 Q And that was within a span of a school  
9 year; is that correct?

10 A Yes.

11 Q Was that the number for the 2021-22 school  
12 year?

13 A I think so. But, now, some of these are  
14 repeating students, but we count all of them.

15 Q Okay. So this is the FY22 grant  
16 application. So is it your understanding that  
17 the --

18 A '21.

19 Q -- data contained in here would be the  
20 2021-22 school year?

21 A I do, yes.

22 Q And so that's where this number of  
23 students retrained would come from?

24 A Right.

25 Q That number means that 39 percent of all

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1 Horizon GNETS students were restrained, correct?

2 A That's correct.

3 Q Does that number strike you as high?

4 A Yes.

5 Q Is Horizon seeking any steps to lower that  
6 number?

7 A Well, we had some -- actually, that number  
8 is repeating. I mean we're working trying to  
9 decrease that number. That number was higher last  
10 year I think than in the previous year, I think,  
11 because of the decline in the students we're getting  
12 and significance of behaviors. But, yeah, we are  
13 working trying to decrease that.

14 Q And what steps are you taking to try and  
15 decrease that?

16 A Well, we're -- we're working more with the  
17 parents. We're try to work more closely with the  
18 parents, with us, because then parents have a great  
19 impact on what happens at school. So we're trying  
20 to monitor that relationship.

21 We're working with the teachers as far as  
22 using the Mind -- the first part of MindSet, which  
23 is using your words to deescalate and not have to  
24 get into that situation where it goes that way.

25 And then we're working with, with -- we're



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1 actually trying to work with students through  
2 Insight as far as doing -- because they do a lot of  
3 activities with them, anger management activities,  
4 trying to get them to direct their anger in a  
5 different manner than in the classroom, those  
6 things.

7 Q Approximately how many restraints have you  
8 had in the first semester this current school year?

9 A At the Valdosta site -- and I'm just not  
10 -- I'm giving you about, not specific.

11 Q I understand.

12 A At the Valdosta site, we probably had  
13 about 13 or 14, I think.

14 At the Tift site, probably zero.

15 This site, we're probably about 10 or 11.

16 And at the Cook/Berrien site together,  
17 probably about six or seven.

18 Q Okay. Does the Horizon GNETS program keep  
19 records of restraints when they occur?

20 A We do.

21 Q And what kind of records do you keep?

22 A We do documentation called a SWIS form.

23 That means every time a child is restrained, we fill  
24 out a SWIS form, and that SWIS form has what  
25 happened before the behavior, what the behavior was,

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1 what we did after the behavior, counseling and that  
2 kind of stuff, and the consequences at that.

3 Then we take that sheet and we go over  
4 that with the staff. That's something that we  
5 counsel with and share with the parents.

6 Q And who is responsible for completing that  
7 record keeping?

8 A Most times the teacher, if it happened in  
9 the classroom, and then it's others -- the, um -- I  
10 just lost it. The persons of the program, they will  
11 do the counseling of that, too.

12 Q The coordinators?

13 A Coordinator. That's the word.

14 Q And is that documentation maintained?

15 A Yes, we keep that documentation.

16 Q How long do you maintain that document  
17 for?

18 A Say again now.

19 Q How long do you maintain the documentation  
20 for?

21 A Well, we send it to the schools, the LEAs.  
22 The child, whatever the home school is. We  
23 document, send out to the parents, and then we keep  
24 the documentation. We also send it to the schools  
25 to put in their system.

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1 Q Okay. And just so I'm clear, is there any  
2 sort of after action review of restraints where you  
3 sit down perhaps with the personnel involved and  
4 look at what happened, what led to it, and whether  
5 the restraint was appropriate, whether there was  
6 anything that could have been done to avoid it?  
7 That sort of thing?

8 A That's what we call diversion.

9 Q Okay. And so who typically participates  
10 in the debriefing process?

11 A Usually we have the coordinator, and then  
12 we want the person that was involved -- the people  
13 that were involved in the restraint, and then most  
14 of them -- an outside person that has not been  
15 involved, who was not involved. So that we can get  
16 the information from those that were involved, some  
17 suggestions from somebody that was not involved,  
18 that kind of stuff.

19 Q Is there documentation of whether those  
20 degrees actually occurred?

21 A Usually it's on that SWIS form.

22 Q Is there a time period within which the  
23 debrief needs to occur, like sort of relative to  
24 when the restraint happens?

25 A It should occur immediately. Sometimes it

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1 does not. But we do it before that day is over.

2 But the accurate time is immediately after a  
3 restraint is done.

4 Q On the page before this, there's a section  
5 called "Crisis Management."

6 Do you see that?

7 A I do.

8 Q And in the second narrative, it says:  
9 "Next school year there he will be 9 new staff  
10 members that will be trained in crisis management at  
11 the beginning of the school year."

12 Do you see that?

13 A Uh-huh. (Affirmative.)

14 Q What are the nine new staff members that  
15 are referenced here?

16 A When I was doing this, I had nine  
17 positions, I think nine, that were available at the  
18 time. And I said nine people need to be trained in  
19 crisis management.

20 Q And did you fill those nine new positions?

21 A I filled -- no. Four of them I did -- not  
22 four of them. I'm sorry. Seven I did.

23 Q Seven of the nine you filled?

24 A Right.

25 Q And those seven would have been new staff

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1 members starting this current school year?

2 A That's correct.

3 Q Were those seven trained in crisis  
4 management at the beginning of the school year?

5 A Yes. We have a new program called -- at  
6 the Valdosta site called Centrex. That's the new  
7 program in crisis management.

8 At other sites the coordinator attends the  
9 crisis management, whatever they have, working on  
10 what they have, and then they come back and review  
11 with the staff.

12 Q And what does a crisis management training  
13 teach staff?

14 A Well, you have the different -- you have  
15 the lockdown. You have the hurricane, tornado  
16 drills as well.

17 Q So basically covers lockdowns, hurricanes,  
18 and tornadoes?

19 A A whole bunch of stuff. I can't remember  
20 all of that, but the major stuff. If there's an  
21 active shooter, all that stuff like that.

22 Q And when you say lockdown, what do you  
23 mean by lockdown?

24 A Okay. If there's an active shooter, you  
25 have to lock the whole school down. It has to be

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1 done immediately and appropriately.

2 We teach staff members as far as what  
3 their role is in the classroom as far as keeping the  
4 doors locked. You'll notice most of the doors are  
5 locked in the classroom. Where they position  
6 themselves at in the classroom, what's going to be  
7 the code if it's over. I mean what's the password  
8 that you hear on the intercom if it's over. Those  
9 kinds of things.

10 Q And is there -- is the training for  
11 lockdowns specific to active shooters or are there  
12 other circumstances under which staff are trained to  
13 have lockdowns?

14 A There are other situations.

15 Q What are those other situations?

16 A It could be an irate parent.

17 THE COURT REPORTER: I didn't hear you.

18 It could be what?

19 A An irate parent that's on campus. It  
20 could be someone on campus that you don't recognize  
21 that's on campus, in the building.

22 A gamut of stuff.

23 Q Just one more question on this document.

24 There is a section under Service Delivery  
25 on Mental Health Collaboration.

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1 I don't know if I can -- the prior page.

2 A It's not the prior page. Let's see. I  
3 think it's -- what's before it?

4 Yeah, I got it.

5 Q So I just want to make sure I understand  
6 these. Some of these we talked about already, and  
7 this says here: "Describe any formal collaboration  
8 with community agencies to enhance student's  
9 social/emotional and/or behavioral development."

10 This starts at No. 5. We will talk more  
11 about whether there are any others. I realize this  
12 is a printout of an electronic document, and this is  
13 how this was provided to us.

14 But No. 5 says "Marcus Autism Services."  
15 Do you see that?

16 A Uh-hum. (Affirmative.)

17 Q Does Horizon GNETS have a collaboration  
18 with Marcus Autism Services?

19 A We do.

20 Q What is the nature of that collaboration?

21 A Excuse me?

22 Q What is the nature of that collaboration?

23 A We have a lot of students that are  
24 autistic and have really severe emotional issues,  
25 aggressive, and a lot of them are sent to Marcus

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1 Autism -- the autistic service, and they stay there  
2 for a period of time, and then when they are  
3 released from there, we get documentation from them  
4 as far as things we need to do.

5 Q Okay. So in terms of this collaboration,  
6 is that a residential treatment center?

7 A I think. I'm not sure.

8 Q But it's a place where students would be  
9 sent on more of a full-time basis and then if they  
10 came back to GNETS, they might have some protocols  
11 or other things that are guidelines for meeting  
12 their particular needs?

13 A Yes.

14 Q No. 6 on this list has Babies Can't Wait.  
15 What is that?

16 A We have a lot of small kids, like in  
17 kindergarten, pre-K, that have -- that are -- have  
18 some severe issues because of drug issues, those  
19 kinds of things. Baby Can't Wait is a program that  
20 works for those smaller kids on issues like that,  
21 working with the parents, those kinds of things.

22 Q Who -- is there like an organization or  
23 institution that sponsors Babies Can't Wait or runs  
24 it?

25 A It's an organization from -- I think it's



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1 from DFCS, I think. A branch of that, I would  
2 think.

3 Q But that is a program that would serve  
4 students separate from the GNETS program?

5 A Yes.

6 Q Okay. Peaceway Counseling?

7 A Yes.

8 Q What is that?

9 A It's a counseling services, and we have a  
10 lot of -- some of our students attend their -- the  
11 Peaceway Counseling Service, and sometimes they will  
12 come in our program and see different students.

13 Q Okay. So that's an external provider that  
14 may provide services to students also being served  
15 by GNETS?

16 A Yes.

17 Q We discussed Apex services earlier,  
18 correct?

19 A Uh-hum. (Affirmative.)

20 Q Vocational Rehabilitation Services?

21 A Yes.

22 Q And how is that a collaboration with  
23 Horizon GNETS?

24 A Most time when we have students that are  
25 getting ready to transition as far as graduating, we

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1 try to net with vocational rehab, as far as finding  
2 placement, trying to get students acclimated to the  
3 job, skills, whatever. That's a location we have.

4 And usually they will find placement as  
5 far as placing a student in a specific area to get  
6 those skills they need.

7 Q And we talked about the LIPT already,  
8 correct?

9 A Yes.

10 Q The next one says Child and Family  
11 Guidance. What does that mean?

12 A It's more of like a counseling service.

13 Q So it is another external provider of  
14 counseling services?

15 A Yes.

16 Q Like, what was it, Family Insight?

17 A No. The coming out program -- they're  
18 coming out program but it's an outside counseling  
19 program that is not part of the school. It's an  
20 outside agency that comes in.

21 Q Okay. And this is the sort of thing where  
22 GNETS says, we'll open our doors if you want to come  
23 here and meet with a student here?

24 A Yes, right.

25 Q Is that an agency that students are

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1 generally connected with before they come to the  
2 GNETS program?

3 A Usually that's an agency that they're  
4 connected with through mental health.

5 Q When you say "through mental health," what  
6 is mental health?

7 A They're receiving mental health services,  
8 and then they have -- may refer them to family --  
9 child/family counseling guidance, and then we allow  
10 them to come in our program to see those students.

11 Q And is mental health a particular  
12 institution or agency?

13 A It's an agency, yes. Behavior -- I think  
14 it's Behavioral Mental Health Services, I think.

15 Q Is that separate from the Department of  
16 Behavioral Health and Developmental Disabilities?

17 A I think it's part of that. Branch of  
18 that, I think.

19 Q Okay. This next line says Georgia  
20 Intervention and Department of Judicial Justice  
21 Department. What is that?

22 A That's if a student got into legal  
23 trouble, and with that DOJ will partner with us,  
24 make sure they come in and check on the student, sit  
25 down and have a conversation with us, and that kind

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1 of thing.

2 Q And just to clarify, you said DOJ, but are  
3 you talking about DJJ?

4 A I meant DJJ. I'm sorry. DJJ.

5 Q Make sure we're clear.

6 So sometimes DJJ may come into Horizon  
7 GNETS to check on a particular student that has had  
8 contact with the criminal justice system?

9 A Right. Most of the time when a child goes  
10 -- gets legal, legal issues, then the Department of  
11 Justice, Juvenile Justice, will have specific  
12 guidelines that that child must follow. It could be  
13 grades, attendance, behavior. And what they do,  
14 they make checks on the student to make sure that  
15 child is following those things they're supposed to  
16 do.

17 Q And does Horizon GNETS provide DJJ with  
18 any information in that respect?

19 A If we're allowed to. It depends. We have  
20 to get a release from the center to provide that  
21 information to them. Most of them have releases.

22 Q When you say you have to get a release,  
23 you have to get a release from the parent?

24 A Usually from the parent.

25 Q This also lists Bench Mark Services.

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1           A       That's a new program that serves students  
2       with severe emotional problems, and currently it's  
3       in Tifton, and it's like a, uh -- it's a program  
4       that takes students in for so many days, at so many  
5       -- whatever. And then they work with them and then  
6       they, they, you know, release them once they've  
7       mastered whatever they are supposed to master.  
8       That's a fairly new program.

9           Q       Is that a residential program?

10          A       Sort of like a residential program. Sort  
11       of, yeah.

12          Q       If a student from Horizon GNETS were to  
13       participate with Bench Mark Services, would they  
14       leave the Horizon GNETS program for some period of  
15       time to do that?

16          A       Um, not necessarily. Sometimes they're in  
17       the Bench Mark program and the Bench Mark program  
18       will be responsible for bringing them to school and  
19       picking them up.

20          Q       Okay. In that situation, would that GNETS  
21       student reside with Bench Mark Services in the  
22       evenings, overnight, during that period of time?

23          A       I think so, yes.

24          Q       And then the last one I see here, No. 14,  
25       says Child Abuse Counselors?

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1 A Yes.

2 Q And how do you collaborate with child  
3 abuse counselors?

4 A We have a lot of children -- well, a  
5 population of students that are -- that have been  
6 abused, so they have specific counselors that will  
7 come to the school and sort of -- will check the  
8 child and those kinds of things.

9 Q These are also external providers?

10 A Yes.

11 Q Are students typically connected with  
12 these child abuse counselors when they arrive at  
13 GNETS or is there -- how does that work?

14 A Some of them are not there when they  
15 arrive. Some are connected after they come into our  
16 program.

17 Q Is the Horizon GNETS program the one that  
18 connects them with these child abuse counselors?

19 A No. We have a -- the LEAs has a social  
20 worker that works with our program and then we work  
21 with the social worker, and the social worker does  
22 the connecting with the child abuse counselor  
23 person.

24 Q Okay.

25 THE VIDEOGRAPHER: The time is 2:46 p.m.

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1 We are going off the record.

2 (A recess was taken.)

3 THE VIDEOGRAPHER: The time is 3:00 p.m.

4 We're back on the record.

5 BY MS. GARDNER:

6 Q I am going to show you another document  
7 that is marked as Plaintiff's Exhibit 723.

8 (WHEREUPON, Plaintiff's Exhibit-723 was  
9 marked for identification.)

10 BY MS. GARDNER:

11 Q This is a document that was produced by  
12 the Horizon GNETS program to United States in  
13 response to a document subpoena.

14 Do you recognize this document?

15 A I do.

16 Q And am I correct that this document  
17 outlines many of the same sort of organizations with  
18 which Horizon GNETS collaborates, some of which we  
19 just looked at in the GNETS grant application?

20 A Correct.

21 Q And am I correct that this one includes a  
22 couple that did not appear in that last grant  
23 application document?

24 A Yes.

25 Q So do you remember when we reviewed the

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1 services before, we started with Marcus Autism  
2 Services?

3 A Yes.

4 Q And am I correct that there are four  
5 additional sort of outside entities that Horizon  
6 GNETS collaborates with that appear in this list  
7 ahead of Marcus Autism Services?

8 A Yes.

9 Q So I just want to be sure that we cover  
10 those four, and that I understand how Horizon GNETS  
11 collaborates with those entities.

12 That first one is Legacy Behavioral  
13 Health. Do you see that?

14 A Yes.

15 Q What is Legacy Behavioral Health?

16 A It's an outside service, behavioral health  
17 service.

18 Q And how does Horizon GNETS collaborate  
19 with Legacy Behavior Health?

20 A They serve some of the students that are  
21 in the program. They come to the school.

22 Q And are those counseling services?

23 A Yes.

24 Q Is there anything else that they provide  
25 apart from counseling services?



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1 A Mostly counseling.

2 Q Is Legacy Behavioral Health, as far as you  
3 understand it, a Community Service Board?

4 A I'm not sure.

5 Q Do you know what Community Service Boards  
6 are?

7 A No.

8 Q Okay. But you said that for Legacy  
9 Behavioral Health, they come and provide counseling  
10 services to students at Horizon GNETS?

11 A That's correct.

12 Q Does Horizon GNETS connect those students  
13 to Legacy Behavioral Health, or are those students  
14 typically already connected to Legacy Behavior  
15 Health when they come to the GNETS program?

16 A They are already connected when they enter  
17 the program.

18 Q Okay. And then Horizon basically opens  
19 its doors and says if you want to come here and meet  
20 with students, you're free to do that?

21 A Yes.

22 Q The second entity listed here is Choices  
23 for Life. What is that?

24 A It's the same thing. It's like the other  
25 one. It's an outside agency that comes in.

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1 Students in this program are already connected when  
2 they come to us. So we just open our doors to have  
3 them come in and they send their services to our  
4 students.

5 Q Next it says, "Applies Behavior Analysis  
6 Therapy."

7 A Okay. That's the same thing as ABA. We  
8 talked about that earlier.

9 Q Okay.

10 A An ABA therapist.

11 Q And this is where it says Applied Behavior  
12 Analysis Therapy?

13 A Right. It's the same thing as an ABA  
14 therapist.

15 Q Okay. You mentioned before you get ABA  
16 therapists who come in from outside to provide the  
17 services?

18 A Correct. The LEA usually will send  
19 somebody in, an ABA therapist in, to specific  
20 students to provide those services.

21 Q Okay. I think that's it.

22 And you mentioned earlier that Horizon  
23 GNETS does not have any psychologists on staff  
24 currently, correct?

25 A That's correct.

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1 Q Has Horizon GNETS ever had any  
2 psychologists on staff during the time you've been  
3 director of the program?

4 A Not during the time I've been director of  
5 the program.

6 Q Okay. So that would cover since 2010,  
7 correct?

8 A Correct.

9 Q You mentioned that Horizon GNETS does not  
10 currently have any social workers on its staff  
11 either, correct?

12 A Correct.

13 Q Has Horizon GNETS ever had any social  
14 workers on staff during the time you've been  
15 director?

16 A You mean licensed social workers, right?

17 Q Yes.

18 A Yes, they have.

19 Q And when did Horizon GNETS last have a  
20 licensed social worker on staff?

21 A About two years ago.

22 Q So somewhere around 2020?

23 A That's correct.

24 Q Was that licensed social worker funded  
25 through the GNETS state grant?

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1 A Yes.

2 Q What is the process for hiring new  
3 personnel when you have a vacancy?

4 A First you post the position on Teach  
5 Georgia, and then we use the local platform that  
6 the -- the four areas that we have, which is  
7 Valdosta, Tift, Colquitt, and Cook and Berrien.

8 Then after we post the position, we get a  
9 group of applicants for that specific position.  
10 There's an interview team which consists of myself,  
11 usually the coordinator at each position, and a  
12 teacher from that school, that we interview for.

13 Q Okay. And then I take it you conduct some  
14 number of interviews for any particular vacancy?

15 A Yes.

16 Q What happens after that?

17 A We conduct interviews, and then have a  
18 rating scale that we all use. And then after we  
19 conduct the interviews, we look at the rating scale  
20 as far as specific applicants, and we make a choice  
21 as far as who we think is best suited for that  
22 position.

23 And then from that, I make a  
24 recommendation to RESA, which takes it to Board of  
25 Control.

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1 Q And what happens after it goes to the  
2 Board of Control?

3 A The Board of Control usually approves it,  
4 the recommendation, and then we hire.

5 Q Okay.

6 (WHEREUPON, Plaintiff's Exhibit-724 was  
7 marked for identification.)

8 BY MS. GARDNER:

9 Q I will hand you Plaintiff's Exhibit 724.  
10 This is a document that was produced by  
11 the Horizon GNETS program in response to the United  
12 States subpoena.

13 Do you recognize this document?

14 A I do.

15 Q And am I correct this is one of the  
16 documents you provided to the United States in  
17 response to the document subpoena?

18 A Yes.

19 Q And correct that this shows enrollment for  
20 the Horizon GNETS program as of October 15, 2021?

21 A Yes.

22 Q And this particular chart shows how many  
23 students are coming from each of the school  
24 districts that Horizon GNETS serves, correct?

25 A Correct.

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1 Q So it has some of the numbers that we have  
2 seen in other documents, like the 116 students  
3 served in Horizon GNETS centers, but then it shows  
4 how those numbers are broken down across sending  
5 school districts?

6 A Yes.

7 Q I want to talk a little bit about how  
8 students find themselves at Horizon GNETS.

9 Would you describe generally how a student  
10 is referred to Horizon GNETS?

11 A Okay. What happens is that the local --  
12 the LEAs will have a student in their school, or  
13 whatever, that's having some, some major concerns,  
14 aggressiveness or whatever, anger problems, those  
15 kinds of things, and then they will call us and say  
16 we have worked with this child and we need you to  
17 come out and observe the student.

18 We go out and we observe, and then we send  
19 them back a list of suggestions as far as some  
20 things that they have not tried, okay.

21 And then after we send that list to --  
22 some things they have not tried, we meet with them  
23 as a team and say these are some of the things we  
24 have observed, why don't you try these things and  
25 see if they work.

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1 In the meantime, we also encourage them,  
2 if they have not done an FBA, you need to do an FBA  
3 and a BIP, to pinpoint what these -- the weaknesses  
4 and behaviors, when they're happening, the time  
5 they're happening, that kind of stuff, and then do a  
6 Behavior Intervention Plan from that and work with  
7 that.

8 There's a timeline. We say about 20 days,  
9 you know, you do that. And then we come back again  
10 as a team and we look at the behavior, and if  
11 there's an improvement in the behavior, has it  
12 gotten any worse, those kinds of things. We sit  
13 down and we talk about that.

14 And then we also try to include parents in  
15 that conversation, as far as if there's something  
16 going on at home that's different or any changes,  
17 whatever.

18 And then we'll observe again, and we give  
19 a list of things that we have not listed before,  
20 that we encourage them to try with fidelity, and  
21 those things.

22 And they also have to keep data --  
23 documentation. We come back and look at the data,  
24 and if it has not worked after that, then if the  
25 child is in special -- it has to be special ed, has

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1 to have some severe emotional problems, okay, we  
2 will meet with the team, the IEP team, along with  
3 the parents, and then the team may share with them  
4 that maybe it's a child that maybe needs to go to  
5 Horizon because we've done all these things and none  
6 of these are working.

7 Okay. And then from that the placement.  
8 The IEP team will make a final decision as far as  
9 placement. Placement can sometimes be half day,  
10 whole day. And then from that, the child comes to  
11 our program.

12 Once the child is in our program, we  
13 specifically look at the FBA and BIP and we  
14 determine those goals that we need to work on from a  
15 Behavioral Intervention Plan and determine --  
16 develop the IEP as far as those things that we need  
17 to work on.

18 Q Okay. You mentioned IEP meetings. So  
19 when there is an IEP meeting where GNETS services  
20 are being considered, is there someone from Horizon  
21 GNETS who would participate in that IEP meeting?

22 A Yes.

23 Q And is that consistently true across the  
24 board, that you would routinely participate in those  
25 meetings?



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1 A It's always.

2 Q Who from Horizon GNETS participates in  
3 those IEP meetings where GNETS services are being  
4 considered?

5 A Sometimes it's the coordinator, sometimes  
6 it's the consultant teacher, and sometimes it's  
7 maybe the regular school -- regular teacher.

8 Q The regular GNETS classroom teacher?

9 A Uh-huh. And then it might be, we have  
10 behavioral specialists that sometimes will attend  
11 those meetings.

12 Q Okay. Do you ever attend those meetings?

13 A Yes, sometimes I attend the meetings.

14 Q Are there particular circumstances in  
15 which you attend, things that sort of drive whether  
16 you do or don't attend an IEP meeting?

17 A Usually it's -- sometimes if there's  
18 specific issues with parents with a program, and the  
19 misconception about our program, then I'll attend  
20 the meeting, you know, to share with the parents  
21 what we're about. Come out, have them come out,  
22 observe the program, talk to the teachers they want  
23 to, that kind of stuff.

24 Q When you say if there's an issue with the  
25 parents and misconceptions about Horizon GNETS, what

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1 kind of misconceptions are you talking about?

2 A Sometimes parents think -- you know, sit  
3 with the child in our program, they are there for  
4 the duration, and we share with them, no, it's only  
5 until we can get the behaviors under control. And  
6 then we reevaluate every semester the behaviors and  
7 we evaluate the IEP and see if the child has made  
8 progress. So they're not just put there for the  
9 duration. We do -- our goal is to transition them  
10 back as soon as possible.

11 Q When you say that sometimes parents think  
12 that if a child is placed in a program they're there  
13 for the duration, you mean for the duration of their  
14 educational K-12 grades?

15 A Not necessarily duration for the K-12 but  
16 for a long period of time. And we try to reassure  
17 them that's not the case.

18 Q And have you encountered multiple parents  
19 who have that understanding of how GNETS operates?

20 A Yes, some. We have.

21 Q Do parents ever share with you why they  
22 have that perception?

23 A Yeah. I have some who will share that.

24 Q And what have the parents who have shared  
25 told you about that?

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1           A     Because they talk with another parent that  
2     has a child in our program, and that parent may say  
3     my child was in there for a specific length of time.  
4     But not understanding that there differs -- the  
5     children are different, the behaviors are different.  
6     Those kind of things.

7           Q     You mentioned earlier that in the referral  
8     process that if a school district is -- has a  
9     student that needs additional support, that  
10    sometimes someone from Horizon GNETS will go out and  
11    observe and there may be some feedback given. I  
12    believe you said that then after that feedback is  
13    given, someone from Horizon GNETS will come back 20  
14    days later. Is that right?

15          A     Not 20 days later. Will come back, but we  
16    try to give them 20 days to work on the FBA, work on  
17    BIP.

18          Q     Okay.

19          A     To make sure that they've actually done it  
20    and we come back. But sporadically they will check  
21    like and see how the child is doing and sometimes  
22    that will be 10 days.

23          Q     So 20 days is related to the Behavioral  
24    Intervention Plan?

25          A     Yes.

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1 Q Is there something magical about 20 days?  
2 Like where does that number come from?

3 A It's just a magical number because we feel  
4 like in order to ensure that it's done with  
5 fidelity, we say 20 days. At least we'll get at  
6 least 15 days out of that, where they're actually  
7 working specifically on those things, the BIP.

8 Q So that 20 day time period is when you  
9 would expect that the Behavior Intervention Plan  
10 that's been developed is being implemented --

11 A Right.

12 Q -- in the sort of general education  
13 environment where the student is?

14 A Yes.

15 Q Have there ever been situations where the  
16 members of an IEP team where consideration of  
17 services at Horizon GNETS is being discussed  
18 disagree about whether the student should be placed  
19 at Horizon?

20 A Yes.

21 Q What happens in those situations?

22 A Usually, if there's some, some discrepancy  
23 as far as whether the child should be placed in  
24 Horizon or not placed in Horizon, usually we try to  
25 let the child stay in that setting that he's already

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1 in. We don't put the child in Horizon but we try to  
2 provide other support to see if a longer period in  
3 that school setting will work with other additional  
4 support.

5 Q Have there ever been situations where  
6 building level staff or district staff from the  
7 student's home district believe that a student  
8 should be placed at Horizon but the Horizon  
9 representatives don't agree?

10 Do the fault lines ever sort of fall, you  
11 know, between the people who are in the home  
12 district and the folks who are at Horizon?

13 A Yes.

14 Q How do you --

15 A I'm sorry.

16 Q You said yes?

17 A Yes.

18 Q Okay. And how do you -- how does Horizon  
19 GNETS navigate those kinds of disputes on --

20 A Usually what we try to do is try to talk  
21 with the special ed director of the LEA, and share  
22 with him that, look, we don't feel this child is  
23 appropriate for our program. And we try to put out  
24 some specific things as far as the child is not for  
25 our program. It could be we feel like the child,

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1 from what we're looking at, at the data, we just  
2 kind of -- it could be circumstances that happen  
3 within the home. Those kind of things.

4 And usually from that the LEA special  
5 education director will get involved and we try to  
6 resolve whether the child needs to be there or not.

7 Q Have there ever been situations where  
8 despite your efforts to resolve, there's just been  
9 an impasse?

10 A Say it again now.

11 Q Have there ever been situations where even  
12 though you've tried to resolve differences of  
13 opinion, there's just an impasse, where you can't  
14 reach agreement?

15 A Yes.

16 Q What happens when that happens?

17 A Usually what happens then is the child, he  
18 comes to our program.

19 Q So there's an impasse and you can't reach  
20 agreement, the child comes to Horizon?

21 A Yes.

22 Q Okay.

23 (WHEREUPON, Plaintiff's Exhibit-725 was  
24 marked for identification.)  
25

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1 BY MS. GARDNER:

2 Q I'm going to hand you what is marked as  
3 Plaintiff's Exhibit 725.

4 This is a set of documents produced to the  
5 United States by the Horizon GNETS program. The  
6 first page reads "Georgia Network for Educational  
7 and Therapeutic Support, Confidential Student  
8 Information Packet."

9 Do you recognize this document?

10 A I do.

11 Q And just take a flip through.

12 Am I correct that this, Plaintiff's  
13 Exhibit 725, contains what are multiple sort of  
14 discrete documents in one?

15 A Yes.

16 Q What are these documents?

17 A You mean what's in here?

18 Q Yes. Generally, what are they?

19 A Okay, this is a student information packet  
20 before a child comes to our program, and we would  
21 like to get as much information about the child as  
22 possible. So they -- the school is responsible for  
23 filling that out. There's a checklist.

24 And also in here there is some -- actually  
25 some guiding questions as far as to determine

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1 whether the child is appropriate for our program.  
2 There's a chart in here, and that chart is to --  
3 it's consideration for services, and there's some  
4 guiding things as far as whether the child is  
5 appropriate for our program, some questions,  
6 whatever, and as far as what we serve and how we  
7 serve students.

8 Q Okay.

9 A And then we have -- actually has a lot of  
10 data questions. On page -- is this Page 7? No,  
11 it's not Page 7.

12 About three pages of guiding questions to  
13 ensure that the child is appropriate for our  
14 program. And that's just some directive.

15 And then after they complete that -- the  
16 first part of this package, look through those  
17 guiding questions to see if the child is appropriate  
18 for our program. And then that last part we have  
19 requests for GNETS consultation. That means we like  
20 to go out and just do consultation before the child  
21 comes in our program.

22 The consultation part is basically where  
23 we go out and observe pretty much and see if the  
24 child is appropriate for our program.

25 Q Okay. Thank you for that overview.



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1                   So I want to talk a little bit about each  
2 of the documents that are in here.

3                   You said the first document is the  
4 Confidential Student Information Packet, correct?

5           A       That's correct.

6           Q       And I believe you said that this is  
7 something that the school fills out. When you say  
8 the school fills out this document, you're talking  
9 about whatever sending school district is referring  
10 a student for GNETS services?

11          A       Yes. It's the home school.

12          Q       Okay. Did you create this Confidential  
13 Student Information Packet?

14          A       I did not.

15          Q       Who created this document?

16          A       It came from DOE.

17          Q       The Georgia Department of Education?

18          A       Yes.

19          Q       How did you come into the possession of  
20 this document?

21          A       This is a document that -- I think Vickie  
22 Cleveland and others may have -- with some of the  
23 GNETS directors, got together and sort of created a  
24 document because we were all having some of the same  
25 issues.

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1 Q When you say you were all having some of  
2 the same issues, what kind of issues were you  
3 having?

4 A As far as the intake issues, as far as  
5 what students are appropriate, what students are not  
6 appropriate.

7 Q When you were saying you were having  
8 intake issues, were there questions or concerns  
9 about how to know which students were appropriate  
10 and which students were not?

11 A Yes.

12 Q And were GNETS directors unclear about  
13 that in some way?

14 A Yes.

15 Q And how in particular were GNETS directors  
16 not clear?

17 A Well, we were unclear as far as students  
18 that we thought were appropriate for our program,  
19 and then we had -- then the LEAs weren't clear also,  
20 because they were saying students we thought that  
21 were not appropriate. So we decided to come up with  
22 an instrument that everyone could look at, with the  
23 guiding questions, those kinds of things. It would  
24 be clear as far as the child is appropriate for our  
25 program.

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1 Q So some of the documents in this packet,  
2 part of the point of them was to help provide  
3 clarity so that GNETS directors and LEAs understood  
4 which students were appropriate for the GNETS  
5 program and which students were not appropriate for  
6 the GNETS program?

7 A Correct.

8 Q This Confidential Student Information  
9 Packet on the very first page says: "Please review  
10 the guiding questions for consideration of GNETS  
11 services, as well as the GNETS services flow chart  
12 to assist in appropriate educational planning for  
13 the student."

14 Do you see that?

15 A I do.

16 Q And those are two documents that are  
17 included in this exhibit and appear later, correct?

18 A That's correct.

19 Q So I want to move to the GNETS  
20 Consideration for Services Flow Chart.

21 Do you see that?

22 A I do.

23 Q This is the flow chart that the  
24 Confidential Student Information Packet is referring  
25 to?

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1 A Yes.

2 Q This is one of the documents that you said  
3 you also received from the Georgia Department of  
4 Education?

5 A Yes.

6 Q And in the very top box in this flow chart  
7 it says: "A student currently being served in SPED  
8 has behavior problems at their school and it is  
9 believed GNETS may be an option. (GNETS services  
10 are only for students served in SPED)."

11 Do you see that?

12 A I do.

13 Q Who determined that GNETS services are  
14 only for students served in SPED?

15 A I'm not sure.

16 Q But that's a rule?

17 A I'm not sure.

18 Q Well, that's what this flow chart says,  
19 correct?

20 A That's what the flow chart says, yes.

21 Q And this flow chart is what you follow to  
22 make determinations about whether a student is  
23 appropriate for GNETS or not?

24 A Yes.

25 Q Moving next to the Guiding Questions for

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1 Consideration of GNETS Services, are you familiar  
2 with that document?

3 A Yes.

4 Q And who created this?

5 A This -- again, this was created through  
6 DOE, as far as a guide for us and for the LEAs.

7 Q And this is part of that sort of group of  
8 documents that you said was to help provide clarity  
9 about which students are appropriate and which are  
10 not for GNETS services?

11 A Yes.

12 Q How does Horizon GNETS use this document?

13 A At the beginning of the school year,  
14 usually what we do, we have a -- we meet with all  
15 the LEAs, the special ed directors, and we share  
16 this with them as far as our services, and we have  
17 like a planning meeting at the end of each school  
18 year, and we share with them our services, what  
19 students we served and we share this with them. As  
20 far as if they have a child they feel is appropriate  
21 for our program, then these are some of the things  
22 they need to look at.

23 We do that with the special ed directors  
24 because we try to make the special ed directors the  
25 -- make sure they're aware of any child that comes

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1 in our program.

2 Q And does Horizon GNETS itself use these  
3 guiding questions if you're considering whether a  
4 student should come to your program? Like do you  
5 walk through this to figure out whether the student,  
6 you know, can check all of these guiding questions  
7 off?

8 A We do. But we get this from them. This  
9 is sent to them, and then it comes back to us, and  
10 then we look at what they have on here.

11 Q Okay. So this guiding questions document  
12 comes back to Horizon GNETS from the sending school  
13 district with these questions answered?

14 A Right.

15 Q So you could see if they're saying yes or  
16 no to a particular question?

17 A Correct.

18 Q Then turning to the Requests for  
19 Consultation Packet, who created this?

20 A Again, it's DOE.

21 Q And how does Horizon GNETS use this  
22 document?

23 A Okay. We have the first part, student  
24 information packet with guiding questions.

25 Then usually what happened this year --

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1 after you look at the guiding questions and  
2 consideration for services, then we -- if you think  
3 you need to request services from us, consultation  
4 first, and this is the package you use for  
5 consultation as far as us coming out, looking at the  
6 child, observing, and from there.

7 Q Okay. And this has a section where a  
8 system would indicate what specific consultative  
9 services they want Horizon GNETS to provide?

10 A Right.

11 Q Okay. Does Horizon GNETS keep records of  
12 what students are referred to its GNETS program and  
13 then what the outcome of those referrals?

14 A We do.

15 Q And how does it keep those records?

16 A We have what we call a data management  
17 tool, and on that sheet it has all the students that  
18 we have taken in our program, the ones that we visit  
19 and we been out to talk with them and that were not  
20 appropriate for our program, are all on that sheet.

21 Q So you have a data management tool where  
22 you record students that you have accepted into the  
23 Horizon GNETS program?

24 A Uh-hum. (Affirmative.)

25 Q And then also students that you have

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1 visited to observe but have determined are not  
2 appropriate for Horizon GNETS?

3 A That's correct.

4 Q And where is that data maintained?

5 A Okay. That's -- we keep that -- that's  
6 what we call data management tool. At the end of  
7 the school year, they have a monthly report that  
8 each one of the programs have to turn in every  
9 month, and it's recorded on that monthly sheet and  
10 it's recorded on the data management tool at the end  
11 of the year. So we get that.

12 Q Do you keep those yearly data management  
13 tools like filed somewhere?

14 A Yes.

15 Q And who maintains that?

16 A The regional office, my office.

17 Q How does Horizon GNETS determine when a  
18 student is prepared to return to their home school  
19 system?

20 A It's determined by the IEP goals and  
21 objectives, the behavior IEP goals and objectives.  
22 Once that child has maintained the criteria mastered  
23 on that IEP, then we pretty much will call an IEP  
24 meeting, the consultant will. We sit down and we  
25 say this child has met his goals and he's ready to



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1 return back to his regular environment.

2 (WHEREUPON, Plaintiff's Exhibit-726 was  
3 marked for identification.)

4 BY MS. GARDNER:

5 Q I'm going to show you an exhibit marked  
6 plaintiff's Exhibit 726.

7 This is an email thread between you and  
8 Nakeba Rahming from August of 2017. The subject is  
9 "Re: Questions."

10 And the document is Bates-stamped  
11 GA00791553.

12 Do recognize this?

13 A I do.

14 Q And in the first email in this thread,  
15 which you send to Nakeba Rahming on August 3rd,  
16 2017, you say: "I will be meeting soon with my  
17 systems special education directors and wanted to  
18 give them an update on GNETS status. What is the  
19 latest on the law suit? I also wanted to share with  
20 them that we are no longer doing exit criteria.  
21 Students will exit our program using the IEP goals  
22 and objectives progress. Is that correct?"

23 Do you see that?

24 A I do.

25 Q I take it from your email that at some

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1 point you were doing exit criteria; is that right?

2 A That's correct.

3 Q And when was that?

4 A Oh. That's been years ago. I think --  
5 the new thing started maybe like four -- the IEP  
6 goals and objectives started maybe about four or  
7 five years ago. I'm not sure when it started.

8 Before that we did exit criteria, which is  
9 at every meeting you had to have exit criteria on  
10 the IEP. And that went away, where you're doing it  
11 now through the goals and objectives on the IEP.

12 Q And when you say before you had to have  
13 exit criteria on the IEP, what were those exit  
14 criteria?

15 A It depends on the child. The IEP team  
16 would sit down, sit around and decide this child is  
17 ready to come back, what needs to happen. I mean  
18 what are the things he needs to master, that kind of  
19 stuff.

20 Q What led to the change of no longer doing  
21 exit criteria?

22 A There was conflict with exit criteria and  
23 IEP goals and objectives.

24 Q And what do you mean that there was  
25 conflict between those two?

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1           A       The exit criteria may be something that's  
2       not really one of the IEP goals before, okay. And  
3       there was a conflict whether the child has mastered  
4       -- may have mastered the exit criteria but may not  
5       have mastered some of the things listed on the IEP  
6       goals and objectives.

7                       So that went away because it felt like we  
8       just needed the IEP goals. That's what we're  
9       looking at as far as looking at the child's progress  
10      and sending the child back to the regular school  
11      setting.

12          Q       Are you familiar with the State GNETS  
13      rule?

14          A       Most of them, yes.

15          Q       And what is the State GNETS rule?

16          A       They're several GNETS rules. One of them  
17      is talk -- there's some rules to the LEAs as far as  
18      what their responsibility is. There's some state --  
19      GNETS rules to the fiscal agent as far as what their  
20      responsibility is, and there's some rules as far as  
21      what the Horizon staff and what their responsibility  
22      is for GNETS students.

23          Q       Are you aware that the State GNETS rule  
24      was revised in 2017?

25          A       Yes.

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1 Q Did the revision of that state GNETS rule  
2 have anything to do with this change from doing exit  
3 criteria to IEP goals and objectives?

4 A I'm not sure but I think so.

5 Q So in this email you're reaching out to  
6 Ms. Rahming to confirm your understanding that the  
7 GNETS -- the regional GNETS programs are no longer  
8 doing exit criteria, correct?

9 A That's correct.

10 Q And she responds to your email and says:  
11 "Yes, the exit criteria no longer exists and the IEP  
12 goals will be monitored for exit." Correct?

13 A That's correct.

14 Q She goes on to say: "I am not sure if  
15 Zelphine shared this with them. We are working on a  
16 rule guidance document that will explain all of  
17 this."

18 Do you see that?

19 A I do.

20 Q Who is Zelphine?

21 A She was the special ed -- she was the  
22 state special ed director.

23 Q Is that Zelphine Smith-Dixon?

24 A Yes, that's right.

25 Q Okay. This mention of a rule of guidance

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1 document that will explain all of this, did you ever  
2 receive or become aware of such a guidance document?

3 A I think when the new one came out is when  
4 we had got it, the new rule guidance document.

5 Q So it's your understanding that you did  
6 get a guidance document after the new State GNETS  
7 rule came out?

8 A Yes.

9 Q Was there a name for that guidance  
10 document?

11 A Was there a name?

12 Q Uh-hum. (Affirmative.)

13 A I can't remember if there was.

14 Q But you got some sort of guidance  
15 document?

16 A Yes, we did.

17 Q Do you still have that guidance document?

18 A It's on the website, I think.

19 Q Did you ever reach out to the State  
20 Department of Education with questions about  
21 students that school systems may want to refer to  
22 Horizon GNETS?

23 A I'm not sure if I understand the question.

24 Q I'm wondering if you ever reached out to  
25 the State Department of Education for guidance about

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1 particular situations that may come up where a  
2 school system may want to refer a student to Horizon  
3 GNETS and you have questions about it?

4 A Yes, I've reached out before.

5 Q What kinds of questions have you reached  
6 out with?

7 A I reached out to Vickie I think a couple  
8 of times and said, look, I got this child that  
9 blase, blase, blase. We don't think this child is  
10 appropriate, for guidance.

11 Q And when you reach out, do you typically  
12 receive the guidance that you're looking for?

13 A Yes.

14 Q Do you ever reach out to anyone at the  
15 State Department of Education other than Ms.  
16 Cleveland?

17 A Um, I think I've reached out to Zelphine  
18 before, I think. I'm not quite sure.

19 (Whereupon, Plaintiff's Exhibit 727 was  
20 marked for identification.)

21 BY MS. GARDNER:

22 Q I'll hand to you what is marked as  
23 Plaintiff's Exhibit 727.

24 This is an email from Nakeba Rahming to  
25 you dated September 19, 2016, with the subject "Re:

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1 Referral."

2 The document is Bates-stamped GA00226017.

3 Do you recognize this?

4 A Yes.

5 Q And Ms. Rahming sends an email to you but  
6 her email is in response to an earlier email that  
7 you sent to her on the same day. Correct?

8 A That's correct.

9 Q And in your email you say: "I have been  
10 contacted by a charter school concerning a referral.  
11 How does that work? Do we take students from  
12 charter schools?"

13 Correct?

14 A That's correct.

15 Q And what was Ms. Rahming's response to  
16 your question?

17 A She said yes.

18 Q And in addition to saying yes, she also  
19 indicated what process you would follow for handling  
20 a referral like that?

21 A Yes.

22 (Whereupon, Plaintiff's Exhibit-728 was  
23 marked for identification.)

24 BY MS. GARDNER:

25 Q I'm showing you what is marked as

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1 Plaintiff's Exhibit 728.

2 This is an email thread between you and  
3 Nakeba Rahming from March of 2017. The subject is  
4 "Re: Question."

5 This document is Bates-stamped GA00784317.

6 Do you recognize this document?

7 A Vaguely.

8 Q I want to start with the very first email  
9 in time, which appears at the bottom of the first  
10 page.

11 Am I correct you send an email to Nakeba  
12 Rahming on March 3rd, 2017, and you say: "I gave a  
13 system that want students to attend for several  
14 weeks (2 or 3) before transitioning them back even  
15 after meet goal and criteria."

16 Do you see that?

17 A Yes.

18 Q And there's some back and forth between  
19 you and Ms. Rahming, and you send that question  
20 again to her a little bit later that same day.  
21 Correct?

22 A Correct. It should have been I have a  
23 system. That was a typo.

24 Q Okay. So your revised question says: "I  
25 have a system that wants students to come back on a



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1 trial basis for two weeks before they are staffed  
2 back. These are students that have met the  
3 established exit criteria and mastered behavioral  
4 goals." Correct?

5 A That's correct.

6 Q I want to kind of paraphrase and make sure  
7 I understand what was happening and what you were  
8 concerned about.

9 So were you reaching out to Ms. Rahming  
10 about a system that had sent students to Horizon  
11 GNETS for services, those students had met the  
12 established exit criteria and mastered the  
13 behavioral goals that they were supposed to master,  
14 but the sending school system wanted those students  
15 to only be able to come back on a trial basis for  
16 two weeks to see if they could actually come back  
17 for real? Is that correct?

18 A That's correct.

19 Q And so why were you reaching out to Ms.  
20 Rahming about this?

21 A I was trying to get some guidance.

22 Q And what kind of guidance were you trying  
23 to get?

24 A Well, I was trying to clarify if they  
25 could actually do that. It's my understanding is

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1 that when they're ready to go back, they go back.

2 So I was trying to clarify and get some guidance if,  
3 if this was something that we did, because I had  
4 never done it before.

5 Q And Did Ms. Rahming give you guidance  
6 about that?

7 A I guess so. Yeah, she did.

8 Q And what was her guidance?

9 A She said there shouldn't be a trial  
10 period.

11 Q There should?

12 A There should not.

13 Q Should not?

14 A She said they should return to the team  
15 without a trial period.

16 Q And specifically her email says if the  
17 student met his or her goal, the IEP team should  
18 recommend that the student return to the less  
19 restrictive team without a trial period, correct?

20 A That's correct. Correct.

21 Q Once a student arrives at Horizon GNETS,  
22 are they given any assessment to determine where  
23 they are, either behaviorally or academically?

24 A Yes. We have a program called i-Ready,  
25 Reading and Math, which makes assessments for that.

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1           We have Lexile, another computerized  
2     program that we do, to get some academic data. And  
3     we do -- we do work samples to get some academic  
4     data. We do several things to get -- to try to  
5     figure out where they're at academically.

6           Q     I want to go back and talk about some of  
7     those things, but I also want to make sure we get  
8     the other part of that question, which is are there  
9     any assessments given to students when they arrive  
10    at Horizon GNETS to determine where they are  
11    behaviorally?

12          A     Usually we'll look at the FBA. We'll look  
13    at the BIP first, as far as that -- and look at  
14    those goals on the BIP, the things that the school  
15    that's sending the child to us, and we try to  
16    document those things, and we try to collect data  
17    with those things that the school system has said  
18    that is causing the child not to be successful in  
19    the regular school setting.

20                Those are the things -- and those things  
21    usually are listed on the IEP, and those are the  
22    things that we use to return the student back to  
23    their -- to the regular program.

24          Q     You mentioned an assessment earlier called  
25    the BASC. You remember that?

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1 A Uh-hum. (Affirmative.)

2 Q Do you use the BASC at all to assess where  
3 students are behaviorally?

4 A We do.

5 Q Are you familiar with the SDQ?

6 A Yes, we use that, too.

7 Q And what is the SDQ?

8 A It's, it's a -- it's a -- actually, it's  
9 an instrument that we use with most of the lower  
10 functioning students. Sort of like -- not a  
11 checklist, but it gives you information as far as  
12 where students are.

13 Q Going back to the initial assessments that  
14 you mentioned, you mentioned i-Ready, and you  
15 said -- you told me that is math and reading?

16 A Yes, math and reading.

17 Q And do all students in all grade levels  
18 use i-Ready?

19 A No. Usually the -- and I say life skills  
20 students. We use TeachTown with them a lot as far  
21 as academics, and then we have some other programs  
22 they use.

23 Q Is there a class associated with i-Ready?

24 A Is there what now?

25 Q A class associated with i-Ready?

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1 A Yes, there is.

2 Q Who pays for that?

3 A It's taken out of our grant. We pay for  
4 it out of our -- I guess out of our funds pretty  
5 much.

6 Q When you say it's taken out of it, who  
7 takes it out of it?

8 A Usually when we get our -- receive our  
9 grant funds, that part is already -- part of that is  
10 designated for the i-Ready program.

11 Q Okay. And so is the use of i-Ready  
12 mandatory?

13 A Pretty much, yes.

14 Q Is there some minimum or required amount  
15 of time per week that students are supposed to use  
16 i-Ready?

17 A Yes, there is.

18 Q What is that minimum?

19 A I think it's 30 minutes per day.

20 Q Where does that come from?

21 A Say what now?

22 Q Where does the minimum come from?

23 A That's from the data from the program  
24 management, whoever did the program. If you use it  
25 so many minutes per day, it shows an increase in

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1 skills and math and in reading. And that's from the  
2 research of the program, program management.

3 Q And is i-Ready used across all of the  
4 Horizon GNETS sites?

5 A Yes, it is.

6 Q And then you mentioned Lexile, right?

7 A Lexile Reading. That's a program that  
8 some of the LEAs will provide for us, and that's a  
9 reading program.

10 Q And is that used at every Horizon GNETS  
11 site --

12 A No.

13 Q -- or only a subset?

14 A No. Just a subset. They use it at the  
15 Valdosta site and I think they use it at the Tift  
16 site. That's a program that the LEA will provide  
17 for the program.

18 Q Is there a cost associated with the BASC?

19 A Yes, there's a cost.

20 Q Who pays for that?

21 A We do. I keep saying "we." It comes out  
22 of our funds, federal and state funds.

23 Q Has Horizon GNETS always paid for its  
24 BASC?

25 A Yes.

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1 Q And what about the SDQ?

2 A Yes.

3 Q There's a class associated with that?

4 A Yes.

5 Q And who pays for that?

6 A It comes out of our federal and state  
7 funds.

8 (Whereupon, Plaintiff's Exhibit-729 was  
9 marked for identification.)

10 BY MS. GARDNER:

11 Q I'm going to hand you what is marked as  
12 Plaintiff's Exhibit 729.

13 This is an email from Vickie Cleveland to  
14 you, dated August 24, 2020. The subject is "Re:  
15 GNETS Calendar."

16 The document is Bates-stamped GA00361784.  
17 Do you recognize this?

18 A I do.

19 Q And correct that Ms. Cleveland sends an  
20 email to you in response to a question that you  
21 posed that you sent to her and Lakesha Stevenson?

22 Is that right?

23 A That's correct.

24 Q And your question that you send says: "Do  
25 we have a GNETS Calendar for this year to help meet

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1 deadlines for things that are due such as: Iready  
2 diagnosis, SDQ, and etc."

3 Do you see that?

4 A Yes.

5 Q And then Ms. Cleveland responds and says,  
6 "We are working on that. Will get it out asap.  
7 Have a great day"?

8 A Yes.

9 Q What is the GNETS calendar that you're  
10 referring to?

11 A From Ms. Cleveland and Lakesha, who are  
12 over the GNETS programs, all the GNETS, we have a  
13 calendar that we all have and on that calendar it  
14 has all deadlines for all of us, that we're supposed  
15 to have completed certain things as far as i-Ready  
16 diagnostics, and SDQs, and BASC, and that kind of  
17 stuff.

18 So what I was asking for where is the  
19 calendar so we can meet the deadlines as far as make  
20 sure you get that information in and complete it by  
21 deadline.

22 Q Okay. And so do you receive a calendar  
23 like that generally every year that tells you what  
24 the new dates and deadlines are for the various  
25 things?



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1           A       We have not gotten a calendar the past  
2       year, but before that we got a calendar every year,  
3       as far as when we're supposed to meet deadlines.

4           Q       Okay. And when you say you haven't gotten  
5       one the last year, do you mean this current 2022-23  
6       school year?

7           A       Yes.

8           Q       Did you get one in the 2021-22 school  
9       year?

10          A       Yes.

11          Q       So for this current 2022-23 school year,  
12       how are you determining, you know, what deadlines  
13       you need to meet?

14          A       I'm using the old calendar.

15          Q       And just so I'm clear about the kinds of  
16       deadlines that appeared in the calendar, you  
17       mentioned the i-Ready diagnosis?

18          A       Uh-hum. (Affirmative.)

19          Q       So is there some period of time during the  
20       year where regional GNETS programs are expected to  
21       administer like an i-Ready diagnostic?

22          A       Yes. We're supposed to have a diagnostic  
23       on all of our students in -- I mean by a certain  
24       period of time, before we actually start putting on  
25       the i-Ready program.

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1 Q Okay.

2 A And then we get monthly reports as far as  
3 where our students are at.

4 Q Do those monthly reports contain target  
5 goals that your regional programs are supposed to  
6 try to hit?

7 A Yes.

8 Q And who sets those target goals?

9 A That was set through, I guess, DOE.

10 Q And in terms of the target goals, do those  
11 goals include a target number of minutes per week  
12 that students are using i-Ready?

13 A It does.

14 Q Does it include a target sort of  
15 percentage mastery that students are having over the  
16 material?

17 A It does.

18 Q You say in your email -- you also list the  
19 SDQ. Do you see that?

20 A Yes.

21 Q Is there some sort of deadline that  
22 regional GNETS programs are supposed to meet for  
23 administering the SDQ?

24 A Yes.

25 Q Is there a particular number of times that

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1 the SDQ has to be administered each year?

2 A There was -- there were. At first there  
3 were a number of times that you're supposed to do  
4 it.

5 Q When you say "at first," has that changed?

6 A Yes.

7 Q And so how many times were you supposed to  
8 do it at first?

9 A It was three times, I think.

10 Q Three times a year?

11 A Uh-huh. (Affirmative.)

12 Q And how many times is it now?

13 A I'm not sure but I think it's one. I'm  
14 not sure about that.

15 Q Okay. Does the GNETS calendar contain any  
16 deadlines for administering the BASC?

17 A Yes.

18 Q Anything else that appeared on that  
19 calendar in terms of a deadline?

20 A Yeah, there is some other stuff that I  
21 can't remember now, but it was a monthly calendar  
22 and it gave us guidance as far as when we're  
23 supposed to do assessments, different assessments,  
24 when they should be complete, when they should be  
25 completed, but I can't remember the rest of the

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1 things. But it was, it was a guide for us.

2 Q Did the calendar also include information  
3 on the deadlines for completing the GNETS strategic  
4 plan and self-assessment?

5 A Hum. I can't remember if the strategic  
6 plan is on there or not.

7 Q Okay.

8 (Whereupon, Plaintiff's Exhibit-730 was  
9 marked for identification.)

10 BY MS. GARDNER:

11 Q I'm going to show you what is marked  
12 Plaintiff's Exhibit 730.

13 This is an email from you to Vickie  
14 Cleveland, dated May 14, 2019. The subject is "Re:  
15 ABA pro."

16 And this document is Bates-stamped  
17 GA00345579.

18 Do you recognize this?

19 A Vaguely.

20 Q And you send Ms. Cleveland an email on May  
21 14, 2019 that says "Horizon Academy," and then it  
22 has the No. 3 next to it, correct?

23 A Right.

24 Q And am I correct that Ms. Cleveland had  
25 earlier sent an email that you received in which she

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1 said: "See the attached spreadsheet that lists ABA  
2 licenses that are needed for FY20. I am preparing  
3 the June board items and need this info by  
4 Wednesday, May 15th. If you are not requesting  
5 licenses for the 2019-20 school year, please let us  
6 know asap."

7 Do you see that?

8 A Yes.

9 Q What are ABA licenses?

10 A ABA license?

11 Q Uh-hum.

12 A I'm not sure if I understand the nature of  
13 this email, but I know that we had staff members  
14 that were trained in ABA and got licensed for ABA  
15 when it first came out. And at that time I think I  
16 had three. I had one at the Valdosta site, one at  
17 the Lowndes site, and one somewhere else. I can't  
18 remember. That went through the program to get ABA  
19 license.

20 Q Did the Georgia Department of Education  
21 cover the cost in some way for that ABA training or  
22 those licenses?

23 A If I remember correctly, they did.

24 Q Where Ms. Cleveland says, "I am preparing  
25 the June board items," do you see that?

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1 A I see that.

2 Q Did you understand this to refer to items,  
3 the Georgia State Board of Education?

4 A Yes.

5 (Whereupon, Plaintiff's Exhibit-731 was  
6 marked for identification.)

7 BY MS. GARDNER:

8 Q I'm going to hand you what is marked as  
9 Plaintiff's Exhibit 731.

10 This is an email from you to Lakesha  
11 Stevenson, dated October 30, 2020. The subject is  
12 "Re: TA meeting."

13 And this document is Bates-stamped  
14 GA00962362.

15 And do you recognize this?

16 A Vaguely.

17 Q Am I correct that on October 30th, 2020  
18 Lakesha Stevenson -- sorry.

19 Let's look at the very earliest email on  
20 this thread, which you sent on October 30th to  
21 Lakesha Stevenson, the very bottom. Starts on the  
22 bottom of the first page and continues on to the  
23 second page.

24 Do you see where you email Ms. Stevenson  
25 and say: "What is expected of us for the TA meeting

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1 with our system? What questions?"

2 A I see where -- maybe I missed something.  
3 Maybe I missed something. What is expected of us?

4 Q Yes.

5 A Yes.

6 Q So you reached out to Ms. Stevenson to ask  
7 about what would be expected of you for a TA  
8 meeting? Is that right?

9 A Yes.

10 Q What is the TA meeting with, with the  
11 system?

12 A I cannot remember.

13 Q Okay. Ms. Stevenson responds to you and  
14 says: "We will just discuss your GNETS data per LEA  
15 and discuss LEA and GNETS duties and  
16 responsibilities at the regional meeting. The only  
17 thing we sent out for directors to start working on  
18 is the file review using the student checklist."

19 Do you see that?

20 A I do.

21 Q And then you respond to Ms. Stevenson and  
22 ask: "When is the student checklist due?" Correct?

23 A Yes.

24 Q This file review that Ms. Stevenson refers  
25 to using the student checklist, what is that?

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1 A I can't remember.

2 Q Was that something that required work on  
3 the part of Horizon GNETS?

4 A I don't remember.

5 Q You reached out and asked: "When is the  
6 student checklist due?"

7 Is it your understanding that there was  
8 some deadline that Ms. Stevenson or someone at the  
9 Georgia Department of Education had set for the  
10 student checklist?

11 A When I say that I'm sure there was a  
12 deadline, but I can't remember what the student  
13 checklist was.

14 Q What is Horizon GNETS' operating budget  
15 this year?

16 A Say it again now.

17 Q What is Horizon GNETS' operating budget  
18 this year?

19 A You mean how much?

20 Q How much?

21 A I don't have the exact number. But we  
22 have state and federal funds, and I think my budget  
23 was 3 million and maybe a hundred and some thousand  
24 dollars, I think, 31,000 dollars, I think.

25 That's with the state funds and federal



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1 funds.

2 Q Okay. And is it correct that the lion's  
3 share of that \$3 million is state funds?

4 A Yes. And 26 -- 2.6 million I'm sure is  
5 state funds.

6 Q And that budget, that applies for the  
7 2022-23 school year?

8 A Uh-hum. I think so.

9 Q We started to talk a little about this  
10 earlier but what is the process by which you request  
11 those funds?

12 A Um, salaries automatically come out, okay.  
13 Because I get with the HR person at RESA and we look  
14 at everybody's salaries. We look at all the  
15 benefits, that kind of stuff. And that comes out  
16 automatically from the top.

17 And then after that comes out, then  
18 whatever is left is for supplies and materials. And  
19 then for supplies and materials, after they're  
20 requisitioned to the HR department, as far as other  
21 things that I need for supplies and materials, or  
22 maybe programs, a computerized program that I want  
23 to do.

24 Q So this roughly \$3 million that you  
25 indicated as your current budget, that includes

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1 salaries?

2 A Yes.

3 Q And so you've kind of given me a picture  
4 of what happens at the RESA with your fiscal agent,  
5 but I guess pulling back and talking a little bit  
6 more broadly, what is the process by which you  
7 request those funds from the State?

8 I know we've talked a little bit about the  
9 Horizon GNETS grant application. How does that work  
10 in terms of your submitting a grant application and  
11 then eventually receiving some budget number that  
12 comes out of that?

13 A The grant application comes out usually in  
14 June, July. It has to be completed. Then once the  
15 grant application is completed, then the funds are  
16 sent out, I assume.

17 I put in a report. I have to do it, but  
18 the grant application has to be completed first, and  
19 that's usually in June. We start working on that in  
20 June, and the first part of July, and then those  
21 funds are dropped down to the, to the -- I mean to  
22 the -- put in the pool as far as the funds that we  
23 will receive according to your number of students  
24 pretty much.

25 Q And so it's your understanding that how

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1 much you receive in funds is driven by how many  
2 students are served in your GNETS program?

3 A Yes, that's my understanding.

4 Q Okay. Is there some sort of a formula  
5 that's used to calculate that?

6 A There is but I've never understood it.

7 Q Have you seen midterm preliminary  
8 allocation?

9 A Yes. Uh-huh.

10 Q What do you understand the preliminary  
11 allocation to be?

12 A This is not confirmed. That's just what  
13 -- that's just maybe what you may be getting, but  
14 it's not a confirmed budget yet.

15 Q Do you receive notice at some point in the  
16 year of Horizon GNETS' preliminary allocation?

17 A Yeah. Usually we receive that maybe May,  
18 what your preliminary allocation may be. And then  
19 we have to go through the processes in the grant,  
20 yes.

21 Q So you receive your preliminary allocation  
22 before you submit your grant application?

23 A Usually, yes.

24 Q And at some point after submitting the  
25 grant application, you receive a final allocation?

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1 A That's correct.

2 Q And did you say you received that final  
3 allocation through the portal?

4 A Yes.

5 (Whereupon, Plaintiff's Exhibit-732 was  
6 marked for identification.)

7 BY MS. GARDNER:

8 Q 732?

9 A 732.

10 Q I'm ready to show you what is marked as  
11 Plaintiff's Exhibit 732.

12 This is an email that you sent to Zelphine  
13 Smith-Dixon on August 31st, 2020, and the subject is  
14 "Re: August 31 Email Blast."

15 This document is Bates-stamped GA00916243.

16 Do you recognize this?

17 A Yes.

18 Q And I believe Zelphine Smith-Dixon's name  
19 came up earlier and you said that she was the State  
20 director of special education?

21 A Yes, she was.

22 Q At the Georgia Department of Education?

23 A That's correct.

24 Q And you reach out to her, and in your  
25 email you say: "Hi, my name is Samuel Clemons,

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1 director of Horizon Academy GNETS. I am concerned  
2 that GNETS are not included in any extra funding.  
3 Our budgets were cut drastically. What other  
4 funding can we apply for? Some systems are helping  
5 but we are still struggling. I have had to RIF some  
6 staff but still expected to serve students."

7 Do you see that?

8 A I do.

9 Q Why were you concerned that GNETS was not  
10 included in any extra finding?

11 A Because when I received my budget, it was,  
12 it was drastically cut, and I had to -- I think I  
13 had the same number of students but with that budget  
14 I was going to have to RIF some staff members.

15 Q When you say you were going to have to RIF  
16 some staff members, what does it mean to RIF staff  
17 members?

18 A Downsize, release. I won't say fire, but  
19 just sort of let some staff members go.

20 Q You were going to have to lay off staff?

21 A Yes.

22 Q And does RIF stand for reduction in force?

23 A Pretty much that's what it is, yes.

24 Q And I note that your email is responding  
25 to something that Ms. Smith-Dixon sent out, that

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1 there is kind of a highlight that appears to be some  
2 sort of news, notice that the Georgia Department of  
3 Education is allocating \$6 million to assist with  
4 special education services. Correct?

5 A Yes.

6 Q And when you said that you were concerned  
7 that GNETS were not included in any extra funding,  
8 is this extra funding, the \$6 million, that you were  
9 talking about?

10 A No, that was not the money I was talking  
11 about.

12 Q Okay. What funding were you talking  
13 about?

14 A Um, I think I was talking -- I was  
15 grasping for straws. Any extra funding, anywhere.

16 Q You were just feeling like your budget was  
17 cut and you didn't have enough?

18 A Right, I didn't have enough.

19 Q You say in your email: "Some systems are  
20 helping but we are still struggling." Correct?

21 A Right.

22 Q How was Horizon GNETS struggling as a  
23 result of the budget cut you referenced?

24 A We were struggling with staff and we had  
25 to -- and being able to pay staff, having the same

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1 number of students. Some systems were supporting  
2 the GNETS program by taking care of staff members.  
3 I mean paying for certain staff members.

4 Q When you say some systems were supporting,  
5 you mean the LEA was actually furnishing some staff?

6 A Right, yes.

7 Q The LEAs that Horizon GNETS serves do not  
8 do that, correct?

9 A Well, no. They did at the end.

10 Q They did?

11 A Yeah, they did.

12 Q And when was that that they did that?

13 A Well, after this, I guess, sporadically,  
14 you know, saying we're going to have to lay off  
15 staff and because of laying off staff, our numbers  
16 were up, and we don't have to look at students, as  
17 far as returning students. And that got their  
18 attention, and they supported us by paying for some  
19 teachers and some support staff.

20 Q Okay. And that was in the fall of 2020?

21 A I think. That was in COVID, wasn't it? I  
22 can't remember.

23 Q Yes.

24 A I think, yeah. I think, yeah. But that  
25 was at the beginning I think of COVID, wasn't it? I

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1 think that was at the beginning of COVID.

2 I can't remember.

3 Q Okay. But it's your recollection that  
4 when you shared with LEAs that your budget crunch  
5 was such that Horizon GNETS might have to start  
6 sending students back to their home school  
7 districts, that various LEAs stepped up to help  
8 provide staff?

9 A Yeah. Pretty much just that we need some  
10 help, and various LEA's started supporting -- I mean  
11 gave some great support.

12 Q And I believe you said currently when we  
13 looked at your FY22 grant application, there are no  
14 LEAs that are providing teachers currently, though,  
15 correct?

16 A That's correct.

17 Q So how long did the LEAs step up to  
18 provide staff when this occurred?

19 A I think when I did, I went to one of the  
20 GRLS meetings, where all the LEAs, all the special  
21 directors are together, and I just shared my  
22 concerns as far as where we were at and what we  
23 needed, and they stepped up and said we'll do this,  
24 we'll do that.

25 Q Okay. And was that done for just a single



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1 school year?

2 A Yes. That year. It was just that year.  
3 Because I think the next year we got funding, coded  
4 funding, AR funding, I want to think. More money, I  
5 think.

6 Q Understood. Did you ultimately have to  
7 RIF any staff?

8 A I did.

9 Q You did?

10 A Uh-hum. (Affirmative.)

11 Q And how many staff?

12 A I can't remember right now, but I want to  
13 think it was like five or six, I think. I can't  
14 remember the number. Five or six.

15 Q And were those teachers,  
16 paraprofessionals? What was the mix?

17 A I think one was a teacher and I think the  
18 other ones I think were parapros.

19 Q Have you had to RIF any additional staff  
20 since the time of this email?

21 A I have not.

22 MS. GARDNER: We've been going about an  
23 hour 20 minutes, if we can just take a  
24 five-minute break.

25 THE VIDEOGRAPHER: The time is 4:21 p.m.

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1 We are going off the record.

2 (A recess was taken.)

3 THE VIDEOGRAPHER: The time is 4:29 p.m.

4 We're back on the record.

5 BY MS. GARDNER:

6 Q Mr. Clemons, are you familiar with the  
7 GNETS Strategic Plan?

8 A Yes.

9 Q And what is the GNETS Strategic Plan?

10 A The plan has I think about eight parts of  
11 it. One is the -- trying to think. Professional  
12 learning. One is about behaviors section. They got  
13 the physical management of the building.

14 There are certain components to it.

15 Q What do you understand the purpose of the  
16 GNETS Strategic Plan to be?

17 A The purpose is to assess the program, year  
18 program, because there's a part where you have to  
19 self-assess, make a self-assessment of the program,  
20 and then to see where you're at.

21 And I think there's three steps. One is  
22 emerging, one is -- I can't remember the three  
23 areas. One is you're beginning in an area. And  
24 then the other one is -- the last three, I think, is  
25 when you have mastered that area.

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1                   So the purpose of the plan is to look  
2                   where you're at, self-assess your program and look  
3                   where you're at, and look at those areas you need to  
4                   improve in on and then work in those areas.

5           Q       Okay. Is Horizon GNETS obligated to  
6                   comply with the GNETS Strategic Plan?

7           A       I assume so.

8           Q       You mentioned that there is a  
9                   self-assessment component to the strategic plan,  
10                  correct?

11          A       Yes.

12          Q       And as part of that self assessment  
13                   process, is there standardized information that must  
14                   be like collected or provided?

15          A       You have artifacts that you have to  
16                   collect.

17          Q       And those artifacts demonstrate whether  
18                   the program has complied with certain aspects of the  
19                   strategic plan?

20          A       Yes.

21          Q       Is there an onsite review component to the  
22                   strategic plan?

23          A       There was.

24          Q       And tell me about that onsite review.

25          A       The onsite review where you had Vickie and

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1 Lakesha would come to the site, and pretty much you  
2 had several components to the strategic plan, and  
3 basically you had a notebook where each section you  
4 would show artifacts that you have -- that you've  
5 complied with that or you're on board with that,  
6 that area.

7 And they would review that notebook and  
8 look at where you were and give feedback as far as  
9 some things you need to do.

10 Q Okay. Is that review process done  
11 virtually now given COVID, or is there something  
12 that's sort of used to replace the onsite review  
13 that you said happened before COVID?

14 A Pretty much online. You have to upload  
15 it. I mean you, you have to upload your documents.

16 I'm trying to think. Yeah, the strategic  
17 plan portal, I think, and you just upload your  
18 documents under each section, so many documents to  
19 show that you have mastered that, or, you know,  
20 working on that area.

21 Q Okay. So what previously was a physical  
22 notebook that Ms. Cleveland, Ms. Stevenson might  
23 come onsite and review, now you electronically  
24 upload the artifacts that would have been in that  
25 physical notebook to the Georgia Department of

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1 Education portal?

2 A That's correct.

3 Q In terms of who conducts the  
4 self-assessment portion for Horizon GNETS, who's  
5 involved in determining what those self-assessments  
6 should be?

7 A The staff at each site.

8 Q Okay. And which staff at each site?

9 A All the staff. You have -- the Valdosta  
10 site, they do their own self-assessment. The Tifton  
11 do their own self-assessment, and all other sites  
12 between all the teachers, and it's something you  
13 basically do at one of your staff meetings. You get  
14 together, talk about your teacher plan, and then you  
15 sort of share and you do self-assessment with  
16 everybody's input involved.

17 Q And then is there some process by which  
18 those self-assessment ratings get aggregated for a  
19 self-assessment for the entire Horizon GNETS  
20 program?

21 A Yeah. I get those self-assessments and I  
22 combine those self-assessments into one  
23 self-assessment.

24 Q Because there's only one self-assessment  
25 submitted for the Horizon --

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1 A Right.

2 Q -- GNETS program, correct?

3 A Uh-huh. (Affirmative.)

4 Q When you said "uh-huh," you meant yes?

5 A Yes.

6 Q Thank you.

7 You said earlier Ms. Cleveland and Ms.  
8 Stevenson conduct the strategic plan reviews,  
9 correct?

10 A Previously, yes. And I guess they still  
11 do but it's online now.

12 Q If there are any deficiencies or concerns  
13 in an area that's being assessed, is there any  
14 process by which improvements are recommended?

15 A Yes.

16 Q And how does that work?

17 A Usually whether you've mastered an area,  
18 like it's determined by artifacts, and it shows  
19 you've mastered that area. And if you have not  
20 mastered that area, then usually Ms. Cleveland or  
21 Ms. Stevenson would give some recommendations or  
22 talk about -- talk you through some of the things  
23 you may need to do, some of the things you may need  
24 to share in order to master that area.

25 Or they may refer you to another program

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1 that has mastered that area to get some insights as  
2 far as some things you need to do.

3 Q Okay.

4 (Whereupon, Plaintiff's Exhibit-733 was  
5 marked for identification.)

6 BY MS. GARDNER:

7 Q I want to show you what has been marked as  
8 Plaintiff's Exhibit 733.

9 This is an email from Vickie Cleveland to  
10 you dated June 7, 2018. The subject is "Meeting  
11 Monday."

12 The document is Bates-stamped GA00324971,  
13 and this document has one attachment that is a Word  
14 document with a file name "Tips - Strategic Plan  
15 Reviews Prep 4-17-18."

16 Do you recognize this?

17 A I do.

18 Q And this email is discussing a strategic  
19 plan review of Horizon GNETS scheduled for June 11,  
20 2018, correct?

21 A That's correct.

22 Q And in this email Ms. Cleveland attaches  
23 some strategic plan review tips that she says were  
24 sent out to everyone in April?

25 A Yes.

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1 Q Who did you understand the "everyone"  
2 referenced here to be?

3 A All the GNETS programs.

4 Q Okay. Turning to the attachment, which  
5 has a beginning Bates Stamp of GA00324972, these are  
6 the tips for strategic plan reviews that Ms.  
7 Cleveland references in her email to you?

8 A Yes.

9 Q And within the first paragraph, am I  
10 correct, and this is about midway down, that it  
11 says: "The tips outlined below may be helpful as  
12 you prepare your documentation and evidence for each  
13 of the focus areas"?

14 Do you see that?

15 A Yes.

16 Q And is the documentation and evidence for  
17 each of the focus areas that this document is  
18 referencing the kinds of documents that I think you  
19 have been referring to as artifacts?

20 A Yes.

21 Q I want to talk about a few of these.

22 Under the first section, Program  
23 Leadership, and do you see it says, "Documentation  
24 of attendance at GNETS meetings, conferences, etc  
25 (agendas and sign in sheets)."



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1 A Yes.

2 Q What does this mean?

3 A Okay. All of the GNETS meetings that you  
4 attend, like I attend the Board of Control every  
5 month, they have an agenda. I make sure I bring  
6 that agenda and have that agenda -- show that I've  
7 attended that meeting.

8 GRS -- GRLS meetings, they have an agenda  
9 and they meet monthly, make sure I attach that  
10 meeting.

11 GNETS, we just have meetings quarterly at  
12 different locations. You have those documentations  
13 showing you've attended those meetings and an agenda  
14 and a sign-in sheet.

15 Q Okay. And then showing attendance at  
16 these things then is an artifact to support that  
17 Horizon GNETS is implementing the program leadership  
18 components of the GNETS Strategic Plan?

19 A Yes.

20 Q Moving to the next section, Behavior  
21 Support and Therapeutic Services," correct that  
22 these tips identify documentation of data collection  
23 and management of FBAs and BIPs as one of the  
24 artifacts for showing compliance in this area?

25 A Yes.

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1 Q And it also identifies documentation of  
2 data collected for the SDQ and BASC?

3 A Yes.

4 Q This says, just below that, in the same  
5 section, "IEPs will be randomly selected to review  
6 student data collected for the SDQ and BASC."

7 Do you see that?

8 A Yes.

9 Q Who would randomly select these IEPs?

10 A DOE. Lakesha and Vickie.

11 Q Okay. And how would you be notified of  
12 the IEPs that were randomly selected?

13 A Usually -- I can't remember how we're  
14 notified. I don't know whether they would send an  
15 email prior to coming to the visit.

16 I think that's what happened. They sent  
17 an email prior to coming to the visit and said we  
18 will look at these IEPs.

19 Q Okay. Then after you received that email,  
20 what would you do?

21 A They went through those IEPs.

22 Q Okay.

23 A The specific IEPs they've asked to look  
24 at.

25 Q And then would Horizon make those IEPs

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1 available for Ms. Cleveland and Ms. Stevenson to  
2 review?

3 A Right. They would be available once they  
4 got there.

5 Q Did you ever receive feedback from Ms.  
6 Cleveland or Ms. Stevenson about the contents of any  
7 of the IEPs that were randomly selected for review?

8 A Yes.

9 Q And what kinds of feedback?

10 A Sometimes they would give some feedback as  
11 far as SDQ, where it's embedded at, what portion of  
12 the IEP. The BASC, where that needs to be embedded  
13 at, and the information that we actually need.

14 I think it was a time where I didn't have  
15 it -- all the information needed on the BASC, so  
16 they gave some input about that, as far as what I  
17 needed in that section.

18 Q Okay. And when you say where the SDQ is  
19 embedded at or where the BASC needs to be embedded,  
20 what do you mean by embedded at?

21 A In the IEP you got several sections.  
22 You've got review -- I can't -- implementation.  
23 You've got several sections in the IEP, okay. And  
24 then the SDQ is supposed to be in the first part,  
25 when you give an overview of the students associated

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1 in that area.

2 Q So I take it then that the feedback would  
3 be about whether Horizon was properly documenting  
4 the SDQ or the BASC in the places within the IEP  
5 where it should be documented?

6 A That's correct.

7 Q Did you receive any other sort of feedback  
8 coming out of the reviews of IEPs that were randomly  
9 selected apart from feedback related to the SDQ and  
10 BASC?

11 A Yes, if needed. I'm not sure. Once they  
12 looked at them and read them, if needed, yes, we got  
13 the feedback from that.

14 Q And then moving down to Instructional and  
15 Academic Support, there is a reference to i-Ready  
16 usage reports, and it says they should be up to date  
17 and available.

18 Do you see that?

19 A I do.

20 Q Are those the monthly i-Ready reports that  
21 you were talking about earlier?

22 A Yes. Brandon sent those out monthly to  
23 directors.

24 Q And those are the reports that had, for  
25 example, the target goals and where Horizon was in

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1 meeting those target goals?

2 A Yes.

3 Q Turning to the next page, under the  
4 section titled, "Integration of Services and  
5 Capacity Building," the first item there says  
6 "Documentation that LEAs have data that reflects at  
7 least 90% of the students who are served in the LRE  
8 and data to support the IEP team's decision (i.e.  
9 copies of FBAs and BIPs)."

10 A Uh-hum. (Affirmative.)

11 Q Do you see that?

12 A I do.

13 Q When this says data that reflects at least  
14 90 percent of the students who are served in the  
15 LRE, what students is this referring to?

16 A This is referring to students that are --  
17 that have been referred to our program, that they  
18 have been served specifically in the LEA first  
19 before they're referred to us.

20 Q Okay. That at least 90 percent of  
21 students referred to Horizon GNETS were first served  
22 in the LRE?

23 A Right.

24 Q And you said LEA. So when it says LRE  
25 here, it means students being served in their home

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1 school district?

2 A Right.

3 Q And what circumstances would a student  
4 refer to Horizon GNETS not have been served first in  
5 the LEA?

6 A Sometimes we have students that transition  
7 in, and according to their documentation,  
8 information, there are certain programs, like  
9 Horizon, and sometimes they're sent directly to us.  
10 They're not served in the LEA, they're sent directly  
11 to our program.

12 Q Okay. So that might be a student coming  
13 in from another state?

14 A Yeah.

15 Q Or a student coming to a school system  
16 from a different school system?

17 A That's correct.

18 Q Under "Integration of Services and  
19 Capacity Building," there is an item at the very  
20 bottom that says, "Consideration of services  
21 checklist (if piloted)."

22 Do you see that?

23 A Uh-hum.

24 Q And so the consideration of services  
25 checklist, is that -- well, why don't you tell me,

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1 what is that?

2 A Okay. There was a checklist of  
3 consideration of services, but we did it as a pilot  
4 at first, all the programs. Okay, just like a  
5 pilot, whatever. And that was referring to that  
6 consideration of services checklist if we pilot that  
7 program.

8 Q Okay. And is the consideration of  
9 services checklist related to the Confidential  
10 Student Information Packet and Flow Chart and  
11 guiding questions that we looked at earlier?

12 A It is.

13 Q Is that the same thing?

14 A Pretty much the same, yes.

15 Q So am I correct in understanding then that  
16 the use of those documents was identified as a tip  
17 for what kind of documentation should be provided to  
18 show compliance with the integration of services and  
19 capacity building portion of the GNETS Strategic  
20 Plan?

21 A That's correct.

22 Q Moving down to "Facilities Management and  
23 Safety," this says, "Copies of maintenance/repair  
24 logs if appropriate."

25 Do you see that?

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1 A I do.

2 Q So was that documentation that you  
3 understood should be available during a strategic  
4 plan review?

5 A Pretty much it was -- I guess it was to  
6 main -- to ensure that the facility is being  
7 maintained by someone and that you're putting in  
8 requests to get things repaired.

9 But this is old. They don't have a repair  
10 log. We have a system.

11 Q Like an electronic system?

12 A Right.

13 Q This was referring to paper?

14 A Right.

15 Q But you all have advanced beyond that now.  
16 So there's an electronic system?

17 A Right.

18 Q Was Horizon GNETS one of the GNETS  
19 programs that piloted the consideration of services  
20 checklist?

21 A Yes, we did.

22 Q Okay. And then after, am I correct that  
23 after that checklist was piloted, then it was rolled  
24 out to all of the regional GNETS programs?

25 A Yes. Correct.



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1 Q Did you have the in-person strategic plan  
2 review that Ms. Cleveland discussed in her email to  
3 you, that it says was set for June 11, 2018?

4 A Yes, we did.

5 (Whereupon, Plaintiff's Exhibit-734 was  
6 marked for identification.)

7 BY MS. GARDNER:

8 Q I'm showing you Plaintiff's Exhibit 734.

9 This is an email from you to Vickie  
10 Cleveland, dated July 3rd, 2018, with the subject  
11 "Re: Improvement Summary Plan."

12 The document is Bates-stamped GA00327998.

13 It has one attachment which is a pdf with  
14 the file name "Strategic Plan Summary 2018."

15 Do you recognize this?

16 A I do.

17 Q And in this email you tell Ms. Cleveland:  
18 "Please find Strategic Plan Summary plan attached."  
19 Correct?

20 A That's correct.

21 Q And that is in response to an earlier  
22 email from Ms. Cleveland in which she says, "Please  
23 send us a copy of the improvement summary plan for  
24 Horizon"? Correct?

25 A That's correct.

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1 Q What is an improvement summary plan?

2 A It's basically where you look at the seven  
3 areas of the strategic plan, and then you rate them  
4 according to whether -- I can't think of -- there  
5 are three areas, okay. And then after you rate  
6 them, you look at the one that's a priority for you  
7 as far as working on, in each one of those sections.

8 Q Okay. So in reading the areas that are a  
9 priority for you to work on, am I correct in  
10 understanding that the areas that would be rated the  
11 highest priority would be those where there is the  
12 most room for improvement?

13 A Yeah, I guess so.

14 Q So like your No. 1 priority would be the  
15 area where you have most room to improve?

16 A Right.

17 Q And in your email you attach the  
18 improvement summary plan for Horizon; is that  
19 correct?

20 A That's correct. And this is done  
21 incorrectly.

22 Q Thank you for getting there because I am  
23 actually going to show you the one where you did it  
24 correctly. I appreciate you saying that.

25 (Whereupon, Plaintiff's Exhibit-735 was

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1 marked for identification.)

2 BY MS. GARDNER:

3 Q I'm going to show you what is marked as  
4 Plaintiff's Exhibit 735.

5 This is an email thread between you and  
6 Ms. Cleveland from July 2018, with the subject "Re:  
7 Improvement Summary Plan."

8 And the document is Bates-stamped  
9 GA00328013.

10 You mentioned before that the Improvement  
11 Summary Plan that you were looking at earlier was  
12 not correct, correct?

13 A That's correct.

14 Q And here Ms. Cleveland asks you to  
15 resubmit the Improvement Summary Plan because the  
16 areas weren't prioritized in the way that you just  
17 discussed --

18 A Uh-hum. (Affirmative.)

19 Q -- they should be? Is that right?

20 A That's correct.

21 Q And you note in your email to her in  
22 response that you would resend, correct?

23 A That's correct.

24 (Whereupon, Plaintiff's Exhibit-736 was  
25 marked for identification.)

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1 BY MS. GARDNER:

2 Q So this is Plaintiff's Exhibit 736, and  
3 this is an email from you to Vickie Cleveland dated  
4 July 3rd, 2018 with the subject "Re: Improvement  
5 Summary Plan."

6 The document is Bates-stamped GA00328016.  
7 And it has one attachment, which is a pdf with the  
8 file name "Strategic Plan Summary II."

9 Do you recognize this?

10 A No, I don't have an attachment.

11 THE COURT REPORTER: I'm sorry. What did  
12 you say?

13 A I have it. I didn't think I had an  
14 attachment but I do have it. Okay. I have it.

15 Q And do you recognize this email?

16 A I do.

17 Q In this email you send a second version of  
18 the improvement plan and summary, correct?

19 A That's correct.

20 Q And looking at the summary itself, which  
21 has a beginning Bates-stamp -- or is Bates-stamped  
22 GA00328018, am I correct that this version does  
23 include the numbered priority areas from 1 to 7?

24 A It does.

25 Q And I'd like to talk about a couple of

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1 these.

2 In the section that is labeled  
3 "Instructional/Academic Support" --

4 A Yes.

5 Q -- there is a column to the far right that  
6 says, "Document the actions necessary to improve the  
7 top 3 priority areas and to sustain the higher rated  
8 priority areas."

9 Do you see that?

10 A I see it.

11 Q In that column for Instructional/Academic  
12 Support, it says: "Continue instructional and  
13 academic support ensuring that all staff members are  
14 familiar with standards-based lesson development and  
15 delivery."

16 Do you see that?

17 A I do.

18 Q What is standards-based lesson development  
19 and delivery mean?

20 A Okay, Georgia standards. GSE standards.  
21 We have a lot of transient -- we have a lot of new  
22 staff members. So I'll send out some priority  
23 because I needed to continue to work with them on  
24 the academic -- giving them academic support and  
25 make sure they're familiar with the standards.

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1 Q And what kind of instructional and  
2 academic support was being provided to make sure  
3 that they were familiar with standards-based lesson  
4 development and delivery?

5 A Professional learning.

6 Q Who delivered that professional learning?

7 A In-house and then through RESA, Coastal  
8 Plains RESA.

9 Q And that area was identified as Priority  
10 Area No. 3 for Horizon, correct?

11 A Right. That's correct.

12 Q Moving down, there's a section, No. 7, is  
13 Facilities Management. Do you see that?

14 A I do, yes.

15 Q And then in the column that says: "Why  
16 was or wasn't this section selected as a priority?"  
17 It says: "One of the sites had poor scores on the  
18 facility checklist which was related to safety of  
19 students and ADA violations."

20 Do you see that?

21 A Yes, uh-huh.

22 Q Which of the sites had poor scores on the  
23 facility checklist?

24 A Tifton site, that's when we got that  
25 inspection. I think. I'm not sure.

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1 Q When you say when you got the inspection,  
2 that was the inspection that resulted in students  
3 being moved out of the Tifton site?

4 A Yes.

5 Q The document is dated June 2nd, 2018. Was  
6 this completed prior to Ms. Cleveland's visit for  
7 the strategic plan review?

8 A I'm not sure.

9 Q Do you recall from the earlier email that  
10 her strategic plan review was scheduled for June 11,  
11 2018?

12 A But I'm not sure if this was completed  
13 prior or afterward. I don't remember.

14 Q Do you typically complete the improvement  
15 plan summary before a strategic plan review or  
16 after?

17 A Usually it's sent with the review.

18 Q Okay. With all of your artifacts and --

19 A Right.

20 Q -- documentation?

21 A Right.

22 Q And then for Facilities Management, where  
23 it says to document the actions necessary to  
24 improve, it says: "Relocation of the site will  
25 ensure that students are included in the regular

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1 school curriculum and activities and additional  
2 support needed and safety."

3 Do you see that?

4 A I do.

5 Q And, again, this is referring to the  
6 relocation of students at the Tifton site?

7 A That's correct.

8 Q Did Horizon GNETS receive a final  
9 strategic plan review score?

10 A Uh, yes.

11 (Whereupon, Plaintiff's Exhibit-737 was  
12 marked for identification.)

13 BY MS. GARDNER:

14 Q I'll show you Plaintiff's Exhibit 737.

15 This is an email from Vickie Cleveland to  
16 Delphine Smith-Dixon, with a cc: to Nakeba Rahming  
17 and Matt Jones.

18 The subject is "FY18 GNETS EOY Strategic  
19 Plan Results."

20 The document is Bates-stamped GA00085505.

21 And there is one attachment to this  
22 document, which is a Word document with the file  
23 name "FY18 Results for GNETS End of Year Strategic  
24 Plan Compliance Review."

25 Do you recognize this document?



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1 A I do.

2 Q And am I correct that in this email Ms.  
3 Cleveland writes, and she says: "I'm excited to  
4 share the results of our FY18 GNETS Strategic Plan  
5 Review"?

6 A Yes.

7 Q GNETS directors don't appear on the face  
8 of this email. Did you receive this email with the  
9 GNETS strategic plan review results?

10 A I'm pretty sure I did.

11 Q Okay. And taking a look at the  
12 attachment, which begins with the Bates-stamp  
13 GA00085506, in the second page of that attachment am  
14 I correct that all of the regional GNETS programs  
15 are listed along with their final strategic plan  
16 scores?

17 A That's correct.

18 Q And Horizon is listed second in the chart  
19 with a score of 85 percent, correct?

20 A That's correct.

21 (Whereupon, Plaintiff's Exhibit-738 was  
22 marked for identification.)

23 BY MS. GARDNER:

24 Q I'm going to show you Plaintiff's Exhibit  
25 738.

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1 This is an email from you to Vickie  
2 Cleveland of dated July 21, 2018. The subject is  
3 "Re: FY18 GNETS EOY Strategic Plan Results."

4 And this document is Bates-stamped  
5 GA00329184.

6 Do you recognize this email?

7 A I do.

8 Q And this email responds to the earlier  
9 email from Ms. Cleveland that we just reviewed, in  
10 which she says she's excited to share the results of  
11 the FY18 strategic plan review, correct?

12 A Yes.

13 Q And you email Ms. Cleveland and you say:  
14 "I am not happy with Horizon's score. I feel as if  
15 I was at a disadvantage not having a team for the  
16 review as the other programs due to the date being  
17 moved several times. I also had stakeholders ready  
18 to attend but could not due to the changing of the  
19 dates. We followed the rubric and had most of the  
20 information except a few artifacts that were emailed  
21 to you."

22 Do you see that?

23 A I do.

24 Q What did you mean when you said you were  
25 at a disadvantage for not having a team for the

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1 review? What do you mean by not having a team for  
2 the review?

3 A I can't remember. I want to think maybe  
4 the date was changed -- I know the date was changed,  
5 and -- I can't remember what I meant by that.

6 Q You said in the very last sentence of your  
7 email: "We followed the rubric and had most of the  
8 information except a few artifacts that were emailed  
9 to you."

10 A Uh-hum. (Affirmative.)

11 Q What rubric are you referring to?

12 A There was a rubric -- pretty much be on  
13 that checklist.

14 Q The checklist that we reviewed?

15 A Yeah.

16 Q And that's what you understand you're  
17 referring to here as a rubric?

18 A I think so.

19 Q Did this email prompt any further  
20 communication or discussion between you and Ms.  
21 Cleveland?

22 A I don't -- I can't remember if it did or  
23 not.

24 Q Was Horizon's strategic plan score  
25 changed?

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1 A No, it was not.

2 Q Was receiving strategic plan results an  
3 annual occurrence?

4 A I can't remember because when it first  
5 started, it was not every year. It was like every  
6 other year because they were trying to physically go  
7 around to the programs. So you didn't -- you were  
8 not evaluated every year.

9 So I can't remember. Now it's --  
10 electronically it's every year.

11 Q When you were evaluated, did you receive  
12 strategic plan results?

13 A Yes. I think so.

14 Q Okay. And what about submitting the  
15 strategic plan improvement summary, was that an  
16 annual occurrence?

17 A Yes.

18 (Whereupon, Plaintiff's Exhibit-739 was  
19 marked for identification.)

20 BY MS. GARDNER:

21 Q I'm going to show you what is marked as  
22 Plaintiff's Exhibits 739.

23 This is an email from you to Nakeba  
24 Rahming and others, dated May 31st, 2017, with the  
25 subject: "Strategic Plan Summary."

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1 The document is Bates-stamped GA00788011.

2 Again, this document has one attachment  
3 that is a pdf with the file name "GNETS Strategic  
4 Plan Summary."

5 Do you recognize this?

6 A I do.

7 Q And correct that this -- in this email you  
8 forward a Strategic Plan Improvement Summary Plan,  
9 to Ms. Rahming?

10 A Yes.

11 Q Turning to the attachment, which is  
12 Bates-stamped GA00788012, this is the Improvement  
13 Summary Plan that you submitted?

14 A Yes.

15 Q And, again, this has the priority areas  
16 numbered from 1 to 7?

17 A Yes.

18 Q And in this Improvement Summary Plan  
19 Behavior Supports and Therapeutic Services was the  
20 first area for improvement, correct?

21 A Yes.

22 Q This Improvement Summary Plan says: "This  
23 section was selected as a priority because there  
24 were areas that need improvement with the Autistic  
25 students, Global data and social and emotional

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1 curriculums."

2 Do you see that?

3 A I don't see where --

4 Q In --

5 A I see it now. I see it.

6 Q Do you see that?

7 A I see it.

8 Q What does it mean that there were areas  
9 that needed improvement with global data?

10 A I think I was referring to the fact that  
11 with autistic students we -- we didn't feel  
12 comfortable with some of the instruments as far as  
13 trying to collect data with them.

14 Q Okay.

15 A That we could use.

16 Q Okay. And this says there were also areas  
17 that needed improvement with social and emotional  
18 curriculum?

19 A Right. We didn't feel comfortable -- we  
20 didn't feel like we had a good standing curriculum  
21 for autistic students.

22 Q This references social and emotional  
23 curriculum. Is this specific to autistic students  
24 or generally?

25 A That's specific to autistic students.

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1 Q Okay. Does Horizon GNETS have a social  
2 and emotional curriculum currently for autistic  
3 students?

4 A Say again now.

5 Q Does Horizon GNETS currently have a social  
6 and emotional curriculum for autistic students?

7 A Yes. TeachTown is very good.

8 Q TeachTown.

9 On this Improvement Summary Plan,  
10 Integration of Services and Capacity Building was  
11 the second priority area, correct?

12 A Uh-hum. (Affirmative.)

13 Q And it says: "This is an area of needs  
14 with lots of improvement needed and considered a  
15 high prior area." Correct?

16 A Yes.

17 Q And then moving on to the column that  
18 says, "Document the actions necessary to improve."

19 A Yes.

20 Q Am I correct that it's say: "The action  
21 necessary needed is more professional learning from  
22 the DOE as to the referral process and exit  
23 criteria. Some professional learning has been  
24 provided and systems are understanding more about  
25 appropriate referrals."

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1 Have I read that correctly?

2 A Yes.

3 Q Was this necessary action that you've  
4 identified here taken?

5 A Say it again now.

6 Q Like did you ultimately get the additional  
7 professional learning as to the referral process and  
8 exit criteria that it indicates is necessary to  
9 improve here?

10 A Eventually we did.

11 Q Did that come from the DOE?

12 A Um, I think it came from RESA. I'm not  
13 sure about DOE.

14 Q And I take it here that one of the  
15 concerns was that people needed to better understand  
16 what appropriate referrals were?

17 A That's correct.

18 Q Did this also sort of dovetail with what  
19 you were talking about in terms of the use of those  
20 standardized checklist forms, you know, being  
21 additional supports to help people understand which  
22 students should and should not be referred to GNETS?

23 A It did.

24 Q What professional learning specific to  
25 exit criteria was needed?



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1           A     At the time I think we were having some  
2     concerns about exit criteria among our teams, at IEP  
3     meetings, as far as trying to transition students  
4     back, okay. And so what I was saying was that we  
5     could have a better understanding as far as what  
6     exit criteria is used versus IEP, or we use IEP as  
7     far as the exit criteria. I think eventually it  
8     changed to the IEP as far as transitioning students  
9     back.

10          Q     What prompted you to say that the  
11     professional learning should come from DOE?

12          A     Because I felt like DOE had a stronger  
13     hold on the LEA, special ed directors, and if it  
14     came from DOE, it would mean more coming from them,  
15     sharing that with the special ed directors. I just  
16     felt like that.

17          Q     Okay. Some of these management is listed  
18     as the seventh priority area on this plan. Is that  
19     correct?

20          A     Yes.

21          Q     And it says that this section is a  
22     priority because of site safety compliance rubric  
23     and communication.

24                     Do you see that?

25          A     I do.

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1 Q What does that mean?

2 A I'm not sure.

3 Q What is the rubric that's referenced?

4 A I'm not sure. Remembering that  
5 checklist -- I mean that rubric that they use when  
6 they did the walk-through all the facilities. I'm  
7 not sure.

8 Q When you say "when they did the  
9 walk-through," who is "they"?

10 A That was -- I assume it was the State that  
11 did the walk-through throughout the sites.

12 Q State Department of Education?

13 A Uh-huh. (Affirmative.)

14 Q In the column that says "Document actions  
15 necessary to improve, it says: "There was a walk  
16 through for facility improvement, but nothing has  
17 been done to improve some sites."

18 Do you see that?

19 A I do.

20 Q Which sites were you referring to when you  
21 said nothing has been done to improve some sites?

22 A I think at the time I was talking about  
23 Valdosta site. There was a walk-through and some  
24 things were noted, and supposedly there was some  
25 funding that was necessary, that was available to

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1 raise some things. And I think that's what I was  
2 referring to.

3 Q Even though there was funding available to  
4 correct some things, nothing had been done to  
5 improve those things?

6 A That's correct.

7 Q That funding that was available to correct  
8 some things, where did that funding come from?

9 A I'm not sure. But it was funding from the  
10 -- I guess from the State department, because you  
11 had a commitment -- the system had a commitment, I  
12 think it was a 10-year commitment, that that site  
13 would be still there, or something. I forgot what  
14 it was. But I think it came from the State  
15 department.

16 Q Does Horizon GNETS program currently have  
17 any facilities in need of improvement?

18 A No. I think all the facilities are fine.

19 THE COURT REPORTER: You said I think all  
20 -- a little slower.

21 A I think all the facilities are fine.

22 Q So I want to just talk a little bit about  
23 facilities. There is the facility for Colquitt  
24 County, which is where we are right now?

25 A That's correct.

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1 Q Correct?

2 How would you rate the quality of the  
3 Colquitt County facility on a scale of 1 to 10?

4 A Probably a nine.

5 Q This facility, is this a former elementary  
6 school facility?

7 A I'm not sure.

8 Q Okay. There is a sign out front that  
9 reads the Marine School, though, correct?

10 A Yes. I think.

11 Q Do you know if there used to be a marine  
12 school?

13 A I am not sure.

14 Q Okay. Does this Colquitt County school  
15 have onsite food preparation facilities?

16 A Not onsite. It's transported.

17 Q So where do students who are at the  
18 Colquitt County site get their food from?

19 A I think it's one of the elementary  
20 schools.

21 Q And how far away is that elementary  
22 school?

23 A I think it's nearby.

24 Q Which elementary school is it?

25 A I'm not sure.

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1 Q Does the Colquitt County site have any  
2 intensive intervention rooms?

3 A Have any what now?

4 Q Intensive intervention rooms?

5 A What do you mean?

6 Q Rooms where a student may be placed if  
7 they are having a difficult time, for them to cool  
8 down, take a break?

9 A They do.

10 Q How many intensive intervention rooms do  
11 they have?

12 A Just one.

13 Q One?

14 A Uh-huh. (Affirmative.)

15 Q Does that room have any sort of padding on  
16 the walls in it?

17 A Yeah, we have -- the wall is padded.

18 Q Why are the walls padded?

19 A We've had three students -- we have three  
20 students here now that bang their heads until they  
21 bleed. When they get upset, they hit the walls.

22 Q And so padding was put into that room  
23 because of those three students?

24 A For safety for them, right.

25 Q Were those students placed in that room

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1 and banged their heads on the wall before padding  
2 was inserted?

3 A Before padding was inserted, they banged  
4 their heads on the wall.

5 Q Are there any interior rooms within that  
6 intensive intervention room that's padded?

7 A No. What do you mean interior rooms?

8 Q Any sorts of closets or other spaces.

9 A I think there are two closets. One is a  
10 jan -- one is a handler for air-conditioning unit, I  
11 think, and the other one is a closet, I think.

12 Q Have any of those rooms ever been used for  
13 seclusion?

14 A No.

15 Q There is also a site in Adel, correct?

16 A Yes.

17 Q On a scale of 1 to 10, how would you rate  
18 the quality of that facility?

19 A There are two sites in Adel. I've got a  
20 primary classroom and middle school classroom.

21 Q Starting with the primary classroom?

22 A Probably seven -- six, seven. Seven.

23 Q And the middle school classroom?

24 A Probably eight.

25 Q You're going to have to help me out with

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1 the other sites now. So we have three sites  
2 covered.

3 A We got Berrien.

4 Q The Berrien site?

5 A Uh-hum. (Affirmative.)

6 Q And how would you --

7 A The Berrien site's a 10.

8 Q And is there a separate site at Cook?

9 A You have both sites at Cook. You have the  
10 primary classroom and the middle school classroom.

11 Q That's the Adel?

12 A Right. And then the Berrien site is 10.  
13 That's in Nashville.

14 Q Okay. And then you have the Valdosta  
15 site?

16 A Valdosta site.

17 Q And how would you rate the Valdosta site  
18 on a scale of 1 to 10?

19 A 7.5.

20 Q So of the five sites that are part of  
21 Horizon GNETS, you rated the Adel primary site as  
22 the lowest at a six or seven; is that right?

23 A Probably. But I don't think you have the  
24 Tift site. Do you have the Tift site?

25 Q I did not get the Tift site. What is your

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1 rating for that?

2 A 7.5.

3 Q The Adel primary site is the lowest rating  
4 at a six or seven?

5 A Yes.

6 Q Why would -- why is that one of the  
7 lowest?

8 A That school is older. It's in a school --  
9 it's in a school-based program, primary school, but  
10 the school is older.

11 THE WITNESS: The last one was 738.

12 THE COURT REPORTER: No. 739.

13 A 739 is the last one.

14 MS. GARDNER: Let's mark this as  
15 Plaintiff's Exhibit 740.

16 (Whereupon, Plaintiff's Exhibit-740 was  
17 marked for identification.)

18 BY MS. GARDNER:

19 Q This is an email from Ms. Nakeba Rahming  
20 to you dated July 29, 2016. The subject is "Horizon  
21 Academy Preliminary Report."

22 The document is Bates-stamped GA00781027,  
23 and there is one attachment that is a pdf with the  
24 file name "Tifton - Horizon."

25 Do you recognize this?



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1 A I do.

2 Q And in this email Ms. Rahming says to you:  
3 "I wanted to ensure you receive the results from the  
4 preliminary facilities condition assessment that was  
5 submitted to GaDOE by the professional contractors.  
6 The report provides pictures and brief notes of the  
7 concerns that were identified by the contractors.  
8 Please be reminded that we all wanted you to have a  
9 planning period to transition students to a new  
10 setting, however, we did not expect the results from  
11 the preliminary facilities condition assessments to  
12 reveal such significant health and safety issues for  
13 students. Due to the significance of the issues  
14 reported, our State Board of Education considered it  
15 an extremely urgent matter and wanted all students  
16 to be transitioned before the beginning of the  
17 school year."

18 Do you see that?

19 A I do.

20 Q And this is referring to the Tifton  
21 Horizon site?

22 A Yes.

23 Q That was the site where students were  
24 ultimately moved out of that site?

25 A That's correct.

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1 Q And when Ms. Rahming says in her last  
2 sentence that "The State Board of Education  
3 considered it an extremely urgent matter and wanted  
4 all students to be transitioned," that's a reference  
5 to transitioning students out of the Tifton Horizon  
6 facility?

7 A Yes.

8 Q And Ms. Rahming says that "the State Board  
9 of Education determined that Horizon could not have  
10 an extended planning period to adjust to the need to  
11 transition students because the site posed such  
12 significant health and safety issues for students"?

13 A Yes.

14 Q So is it fair to say Horizon GNETS had to  
15 make a swift transition?

16 A They did.

17 Q How did the program navigate that?

18 A I think I heard from the Tifton Board of  
19 Education, they have -- they found another location,  
20 and then help with the transition as far as moving  
21 supplies and that kind of stuff to a new location.

22 Q Is it correct that there is a sort of  
23 lengthy attachment to this email that contains  
24 pictures and other information about the site  
25 inspection of the Tifton Horizon site, correct?

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1 A Yes.

2 Q I just want to talk about a couple of  
3 things.

4 Will you turn to the page of the report  
5 that ends, the last four numbers of the Page 1089.

6 Towards the back.

7 A Uh-hum. (Affirmative.)

8 Q Do you see that?

9 A I do.

10 Q And on this page it says, "Masonry piers  
11 for portable trailers with no mortar." Then it  
12 says, "Could not confirm if footings were present."

13 Then it says, "Did not note any straps or  
14 mechanical connection of trailer to piers."

15 Do you see that?

16 A I do.

17 Q What does this mean?

18 A Now I'm not sure. Those were mobile  
19 units, and I'm assuming that under some of those  
20 mobile units this is what they found, but I'm not  
21 sure.

22 Q So there were like portable trailers --

23 A Right.

24 Q -- holding GNETS students at the Tifton  
25 site at the time this report was issued?

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1 A Yes.

2 Q And this caption is accompanied by  
3 pictures of what appear to be large concrete blocks,  
4 correct?

5 A Correct.

6 Q Similar to cinderblocks?

7 A I'm not sure about that.

8 Q Okay. Is the concern here that these  
9 trailers were sitting on these concrete blocks but  
10 there was nothing actually connecting the trailer to  
11 the concrete blocks?

12 A Correct.

13 Q Moving a few pages back to the page ending  
14 in 1099.

15 A Uh-hum. (Affirmative.)

16 Q It says here that "corridor lavatory water  
17 supply has been cut off."

18 Do you see that?

19 A I do.

20 Q Where was the corridor lavatory within the  
21 Tifton site?

22 A I'm not sure. I think that was in the  
23 front building, the front portable, in the bathroom,  
24 I think. I'm not sure.

25 Q And this was a portable that was housing

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1 GNETS students?

2 A Yes.

3 Q And so there was no water supply in this  
4 bathroom?

5 A Right. I think.

6 Q Were you aware that there was no water  
7 supply in this bathroom prior to this report?

8 A No, I was not. And I'm not sure if this  
9 is in the -- this may have been in the office area.  
10 I'm not sure where that was at.

11 Q Moving two pages forward, the document  
12 ending in 1101.

13 A Uh-hum. (Affirmative.)

14 Q It says: "East trailer has two classrooms  
15 and no restroom."

16 Do you see that?

17 A I do.

18 Q How many trailers were at the Tifton site?

19 A I'm not sure because they were pieced  
20 together. So I can't tell you exactly how many  
21 trailers were there.

22 Q Did the site consist entirely of trailers?

23 A It did.

24 Q But you don't know how many?

25 A I do not, no.

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1 Q Turning to the next page, it says, "Dirty  
2 and rusting HVAC grilles show lack of maintenance  
3 and possible moisture problems."

4 Do you see that?

5 A I do.

6 Q And there are pictures depicting that; is  
7 that correct?

8 A Say what now?

9 Q There are pictures depicting the dirty and  
10 rusting grilles and grilles that show possible  
11 moisture problems?

12 A Yes.

13 Q What was the cause of this lack of  
14 maintenance?

15 A I have no idea.

16 Q Turning to the next page, do you see it  
17 says, "Loose and exposed wiring at trailer  
18 electrical main panels"?

19 Do you see that?

20 A I do.

21 Q And what was the cause of that exposed  
22 wire and --

23 A I don't know.

24 Q Turning to the page ending in 1107, it  
25 says, "Light fixtures were moved from Girl's

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1 Restroom. Wiring capped but exposed."

2 Do you see that?

3 A I do.

4 Q How was the girl's restroom being used if  
5 there were no lights in the bathroom?

6 A I have no idea.

7 Q After receiving this report, did Horizon  
8 implement any new procedures related to maintenance  
9 of facilities where its sites were located?

10 A You mean this site or other sites?

11 Q Did the Horizon GNETS program in general  
12 implement any new procedures related to maintenance  
13 of the facilities where its sites were located?

14 A Yes.

15 Q What were those new procedures that were  
16 implemented?

17 A Well, after we got the report, we shared  
18 the report with the superintendents, and then they  
19 -- in turn, they had some things done.

20 Q Were there any procedure changes at  
21 Horizon GNETS to, for example, you know, pay  
22 attention to some of the kinds of things that we  
23 just walked through that -- where there's an  
24 indication of a lack of maintenance to catch those  
25 sorts of problems before they got to the sort of

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1 stage of needing to require wholesale moving  
2 students out of a particular facility?

3 A This is one targeted site. Other sites  
4 had reporting procedures that were, that were done.  
5 I mean they had reported procedures and those things  
6 were done. I'm not sure about the site.

7 Q So what was it about the reporting  
8 procedures at the Tifton site that allowed this sort  
9 of -- these sorts of conditions to exist at the  
10 facility?

11 A I'm not sure.

12 Q Did you have any conversations with your  
13 site coordinator at the Tifton County site to  
14 explore how this happened?

15 A Yes, I did.

16 Q What did you learn in those conversations?

17 A I think in the conversations he said he  
18 had reported several times, maintenance came out,  
19 did some things and not did other things. You know,  
20 he had to be consistent as far as reporting things  
21 to them.

22 Q That site coordinator had never elevated  
23 any of the concerns about the facility to you?

24 A No, not any major concerns, no.

25 (Whereupon, Plaintiff's Exhibit-741 was



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1 marked for identification.)

2 BY MS. GARDNER:

3 Q Showing you what is marked Plaintiff's  
4 Exhibit 741.

5 This is a letter sent by counsel for the  
6 United States in this litigation to counsel for the  
7 State of Georgia and counsel for the Horizon GNETS  
8 fiscal agent on May 23rd, 2022.

9 The letter addresses concerns related to  
10 the physical condition of the Horizon Valdosta GNETS  
11 center, which the United States and its expert  
12 visited in May of 2022.

13 Have you seen this letter before?

14 A I have.

15 Q When did you first see this letter?

16 A Probably as soon as it was released, I  
17 assume.

18 Q And what was your reaction to the letter?

19 A This report was exaggerated.

20 Q So you disagreed with --

21 A I did.

22 Q -- the contents of this letter?

23 A I did. Some of it.

24 Q Okay. I'd like to walk through and have  
25 you point out the portions of this letter that you

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1 disagree with and the basis for your disagreement.

2 A Oh, okay.

3 Q I'm going to let you tell me because you  
4 know what you disagreed with.

5 A Okay.

6 MR. NGUYEN: Take your time and cover the  
7 portions that you disagree with. So look it  
8 over.

9 THE WITNESS: Give me a minute.

10 (Witness reviews exhibit.)

11 A I disagree with -- disagreed with the  
12 grass and plants growing in the cracks.

13 THE COURT REPORTER: I'm sorry. You have  
14 to slow down. What did you say?

15 A I disagreed with the grass and plants  
16 growing in the cracks. Okay.

17 Q If as you walk through, if you can say  
18 what you disagree with, and then I may have some  
19 follow-up questions for you on that, and it might be  
20 easier than you going all the way through and then  
21 us going all the way back through.

22 A Okay.

23 Q So you said you disagree with the grass  
24 and the plants growing in the cracks. In the  
25 parking lot?

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1 A Uh-hum. (Affirmative.)

2 Q Did you -- do you disagree that there are  
3 grass and plants growing in cracks in the parking  
4 lot?

5 A There were some cracks and some grass  
6 growing in the parking lot, but what school doesn't  
7 have that.

8 Q Okay. So your disagreement is not that  
9 grass and plants are growing in the cracks but  
10 whether that's actually a concern or issue with the  
11 facility?

12 A Yes.

13 Q Okay. And what else?

14 A The gutters around the building. The  
15 maintenance department is in the process of  
16 replacing those gutters. That was on the list to be  
17 replaced anyway.

18 There was one light post when they walked  
19 up on the exterior of the facility that was noted  
20 that was rusting and tilting on the side. I thought  
21 that was something that maintenance was working on.  
22 They had been working on it anyway trying to get the  
23 lights part fixed before they did anything else to  
24 that part.

25 Q Okay.

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1           A     The fencing, that was something that was  
2     on the work order to be done, and they had a company  
3     that was going to come and do the fencing.

4                     Let's see.

5           Q     Anything else about the exterior of the  
6     facility, because I have a couple of follow-up  
7     questions on some of these exterior parts.

8           A     I think that's all the exterior part of  
9     it.

10          Q     So it sounds like with respect to the  
11     light post and the fencing and the gutters that you  
12     said those things were on the maintenance list; is  
13     that correct?

14          A     That's correct.

15          Q     Do you disagree that the light fixture was  
16     severely bent and rusted?

17          A     I don't disagree with that, but I thought  
18     it was trivial. I mean any school you're going to  
19     see light fixtures that are bent.

20          Q     Okay. And do you disagree that there were  
21     multiple broken gutter downspouts?

22          A     I don't, I don't disagree.

23          Q     And so your position is those were on the  
24     maintenance list?

25          A     Yes.

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1 Q Have those gutter downspouts been  
2 repaired?

3 A They have.

4 Q And what about the severely bent light  
5 fixture?

6 A It has.

7 Q What about the fencing?

8 A It's been repaired.

9 Q And when were those repairs made?

10 A Probably shortly after. I'm not sure  
11 exactly when.

12 Q Shortly after what?

13 A After this, after this report came out.

14 Q Okay. Anything else in the exterior?

15 A That's it on the exterior.

16 Q Okay. Moving on to the interior, what to  
17 you disagree with?

18 A The interior, I couldn't understand about  
19 the interior of the facility matched likely the  
20 exterior. I mean I didn't quite understand what  
21 that was, what was the nature of that.

22 The other part, water damage, hole in the  
23 ceiling. That was one spot, water spot on the  
24 ceiling, and it was coming in as you enter the  
25 hallway. Little, small spot.

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1           And I think some of this were parts -- I'm  
2     not sure which parts was in the vicinity or not, but  
3     some of these were parts of the building that is  
4     going to be demolished anyway, I think. And I can't  
5     remember which parts for that.

6           They went over there but when they went to  
7     look at that, those were parts that were not even  
8     used because that part is going to be demolished.  
9     The cafeteria, gym and all that stuff is going to be  
10    demolished anyway.

11          Q     Which parts of the building that are  
12    identified in this letter --

13          A     I think the second part was -- let's see.  
14    One, two -- the third paragraph. So a different  
15    part of the building.

16          Q     The gymnasium and lunchroom?

17          A     Uh-huh. (Affirmative.)

18          Q     So in May of 2022, it's your position that  
19    the Valdosta Horizon site was not using the  
20    gymnasium?

21          A     Right. It was already understood that was  
22    going to be demolished.

23          Q     Were they using it at the time, though?

24          A     No, no, no. We're not using it.

25          Q     Were they using the lunchroom?

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1           A     No, because of COVID the lunch was being  
2     carried into the classrooms.

3           Q     Were there cooking facilities adjacent to  
4     the lunchroom that were being used?

5           A     Never had cooking facilities. Lunch was  
6     always bused in.

7                     I'm trying to think what else.

8                     I think the facade that the classroom was  
9     covered and surrounded. Thick black dust. I'm not  
10    sure where that came from.

11          Q     So you dispute that --

12          A     I do.

13          Q     -- thick -- thick black dust?

14          A     I do.

15          Q     Anything else?

16          A     In the boy's bathroom, they note the  
17    partition was torn down. What I had told them  
18    earlier that there was a challenge that they do in  
19    all the schools, and some kids that torn it down and  
20    it was in the process of being repaired. But it was  
21    torn town when they went in there.

22          Q     Okay. Has that been repaired?

23          A     Huh?

24          Q     Has that been repaired?

25          A     Yes, it's been repaired.

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1 I guess it's all right now.

2 Q Following this letter, did you request  
3 that any improvements to the Horizon Valdosta GNETS  
4 center be made?

5 A I did.

6 Q And what improvements did you request be  
7 made?

8 A The bath. They've done the bathrooms,  
9 ceiling. That thing outside. Replace all the  
10 vents, clean the vents. Gutters, pressure wash the  
11 building.

12 Um, basically pretty much everything  
13 that's cited in here has been done, except the gym  
14 and the lunchroom, that's being demolished. They've  
15 already started on that.

16 But the building that we're using, pretty  
17 much all the stuff, it has been addressed.

18 Q Are students currently still being served  
19 in the Horizon GNETS Valdosta facilities?

20 A They are.

21 Q What grades are those students in?

22 A Kindergarten through twelfth grade.

23 Q And approximately how many students are  
24 currently being served in that building?

25 A I think about 62, last count.



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1 Q Okay. Do you expect that students will be  
2 served in that building next year, the 2023- --

3 A Yes.

4 Q -- 24 school year?

5 A Yes. I'm sorry.

6 Q I'm going to ask that again.

7 Do you expect that students will be served  
8 in the Horizon GNETS Valdosta facility next school  
9 year, the 2023-24 school year?

10 A Yes.

11 Q Did anyone from the Georgia Department of  
12 Education's Facilities Division visit the Horizon  
13 GNETS center after this letter was issued?

14 A Yes.

15 Q And who was that?

16 A I cannot think of his name. He was the  
17 former superintendent here in Moultrie, and I can't  
18 remember his name.

19 Q When did that visit occur?

20 A I think immediately after that.

21 Q So some time in the month of May?

22 A Immediately after the school came out,  
23 probably two weeks after that, I think.

24 Q Did anyone else accompany that Georgia  
25 Department of Education facilities person on the

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1 visit?

2 A Yes.

3 Q Who accompanied them?

4 A The superintendent of Valdosta City and  
5 the assistant superintendent, facilities management  
6 person, myself, and a couple of other people.

7 Q And what occurred during that visit?

8 A We did a walk-through. He came. He had  
9 the pictures that were sent, a letter. We did a  
10 walk-through in all the areas. And pretty much, you  
11 know, note we need to make some -- make some changes  
12 of things that were -- some of the things that were  
13 noted, improvement.

14 Q Did you receive any sort of report or  
15 feedback from the Georgia Department of Education  
16 facility person at the conclusion of that visit?

17 A I did not. The superintendent may have  
18 but I did not.

19 Q Okay. So you never received any sort of  
20 --

21 A I have not.

22 Q -- feedback?

23 A I have not.

24 Q Did you receive any verbal feedback during  
25 that walk-through from the Georgia Department of

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1 Education facilities person?

2 A I did.

3 Q You did?

4 A Well, actually when we were walking he  
5 gave some feedback.

6 Q And what was that feedback?

7 A Pretty much some of the stuff that was  
8 noted was -- I mean was stuff that was minor. It  
9 could be, it could be fixed, I guess pretty much.

10 Q Any other verbal feedback that you  
11 received?

12 A No. That was it.

13 Q Was anyone from Coastal Plains RESA  
14 present for the walk-through with the Georgia  
15 Department of Education facilities person?

16 A I can't remember.

17 (Whereupon, Plaintiff's Exhibit-742 was  
18 marked for identification.)

19 BY MS. GARDNER:

20 Q I'd like to show you Plaintiff's Exhibit  
21 742.

22 This is an email from Beth Morris to  
23 Victoria Lill, Josh Belifante, and others, dated  
24 June 3rd, 2022, with the subject "Re: GNETS - Letter  
25 re Physical Condition of Horizon Center at

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1 Valdosta."

2 I take it you have not seen this document  
3 before; is that correct?

4 A I'm not sure.

5 Q Okay. You think you may have?

6 A I'm not sure.

7 Q Okay. In this email Ms. Morris says:  
8 "Thank you for your letter. I have reviewed it with  
9 Coastal Plains RESA Valdosta City Schools. Upon  
10 receiving your letter, they requested that a  
11 facilities consultant from the DOE tour the building  
12 with them and this was done on Wednesday, May 24,  
13 2022."

14 Do you see that?

15 A I saw it.

16 Q And that's consistent with what we've just  
17 discussed?

18 A Yes.

19 Q Moving down towards the middle of the  
20 paragraph, it says: "The initial plan is to make  
21 the most immediate improvements to the current  
22 building. Their hopes are to have these completed  
23 prior to August 2022 (depending on the availability  
24 and timelines provided by the contractors). They do  
25 not intend to do a complete renovation of the

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1 building at this time because they will then make  
2 preparations for moving all students from that  
3 building into classrooms onsite by the 2023-2024  
4 school year."

5 Do you see that?

6 A Uh-hum. (Affirmative.)

7 Q Has Horizon GNETS departed from the plan  
8 to move all students from that building into  
9 classrooms onsite by the 2023-24 school year?

10 A I don't know.

11 Q Well, you just told me that next year, for  
12 the 2023-24 school year, you expect students will be  
13 served in the Valdosta Horizon facility, correct?

14 A I don't know anything about a plan. I  
15 mean here it's saying a plan to move us from that  
16 building. I have not been included in anything like  
17 that, so I don't know. That was just what I was  
18 saying.

19 Q Okay. So you have --

20 A That was just me.

21 Q -- as the Horizon GNETS director have no  
22 understanding that students will be moved from the  
23 current Valdosta facility into the classrooms on  
24 school sites by the 2023-24 school year?

25 A I have not been in any meeting where that

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1 was shared.

2 Q Okay. So you have no knowledge of that?

3 A I don't.

4 Q Okay. There have been some reports that  
5 there are Valdosta City school board members who  
6 want to demolish the building where the Valdosta  
7 Horizon GNETS center is currently operating. Are  
8 you aware of that?

9 A There were some conversations.

10 Q And so you're aware that a part --

11 A Yes, there was conversation, right.

12 Q And those conversations include the  
13 possibility of demolishing the site?

14 A That was not in the latest conversation.  
15 There have been lots of conversations.

16 Q What was the latest conversation?

17 A I'm not sure. The latest conversation was  
18 that in demolishing the building, since we're a  
19 separate building, they had everything wired in that  
20 separate building so it would not affect the other  
21 part. And they're keeping the performing arts  
22 center, and I'm not sure, in our building, because  
23 there's an athletic part over there, too. We're not  
24 the only one in that building.

25 Q What is your understanding as to -- for

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1 those Valdosta City School Board members who want to  
2 demolish the site, what is your understanding as to  
3 why they want to demolish it?

4 MR. NGUYEN: Object to the form.

5 You may answer the question.

6 A I'm not sure.

7 Q You don't know?

8 A I don't know.

9 Q Is it something that you have ever  
10 inquired?

11 A No, I have not.

12 Q Notwithstanding the fact that Horizon  
13 GNETS students are in those facilities?

14 A Well, I figured that the LEAs will get  
15 with me if that was -- you know, when the time comes  
16 and we'll make a plan.

17 Q The letter that was sent about the  
18 condition -- by the United States, about the  
19 condition of the Horizon GNETS facilities at  
20 Valdosta also mentions past cockroaches and things  
21 like that. Is that an issue that has had to be  
22 called in related to that facility in the past?

23 A No. That's in the gym.

24 Q I'm sorry?

25 A That was in the gym area, the part that's

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1 going to be demolished.

2 Q I'm not sure that I follow.

3 A Okay. The pictures of the cockroaches  
4 were in the -- were in the part of where the  
5 lunchroom and the gym is located and that part is  
6 being demolished. Nobody is over there.

7 Q Okay. I'm separately asking whether the  
8 Horizon GNETS facility of Valdosta has had in the  
9 past issues with pest control, things like  
10 cockroaches or things that have -- along those lines  
11 that have had to be called in?

12 A Not a major problem. I know we've had  
13 some pest issues with ants and some other stuff but  
14 not to my knowledge.

15 MS. GARDNER: I'd like to take a quick  
16 break to figure out what more needs to be done  
17 to wrap up and then I think we're good.

18 What is the time right now?

19 THE VIDEOGRAPHER: The time is 5:55 p.m.  
20 We are going off the record.

21 (A recess was taken.)

22 THE VIDEOGRAPHER: The time is 6:05 p.m.  
23 We're back on record.

24 BY MR. HOLKINS:

25 Q I have just a few clean-up questions on a



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1 couple of things.

2 We talked earlier about Horizon GNETS  
3 students, and so I want to just understand how do  
4 Horizon GNETS students get to their assigned  
5 facilities? Are they bused? Are they car riders?  
6 Is there a combination?

7 A A combination; some are bused and some are  
8 car rides.

9 Q What percentage of students would you say  
10 ride the bus to a GNETS facilities?

11 A Probably about 80 percent.

12 Q What is the longest bus ride in terms of  
13 how long a Horizon GNETS student would be on the bus  
14 for the current school year?

15 A I'm not sure.

16 Q Do you review any information about the  
17 length of bus rides for Horizon GNETS students?

18 A It's never been a problem to me, so I'm  
19 not sure.

20 Q But you don't know kind of the range of  
21 shortest to longest, what the time lengths are that  
22 students stay on the bus?

23 A No.

24 Q Do any Horizon GNETS students participate  
25 in any sort of bus barn or busing hub where they go

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1 to one location and then switch buses and then come  
2 to a GNETS facility?

3 A I think here they do, at the Colquitt  
4 site. I think there's a bus that comes here.

5 The Valdosta site, no. Because they're  
6 bused directly to their locations.

7 The Tift site, no. I'm not sure.

8 The Cook site, possibly, I think.

9 Q And when you say that there's a bus hub in  
10 Colquitt, like how does that work?

11 A I think here you got several buses that  
12 come here, and the student can get on -- possibly  
13 different buses with regular students.

14 Q But do those students then go to another  
15 location where there's like a bunch of buses, and --

16 A No, no.

17 Q -- they have to switch buses?

18 A No, not a different location.

19 Q Okay. Did any of the Horizon GNETS  
20 facilities have any sort of staggered departure  
21 times for buses?

22 A They do.

23 Q How does that work?

24 A They all have staggered times, pretty much  
25 all of them.

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1 Q What do you mean by staggered times?

2 A You got -- at the Valdosta site they start  
3 being released about 2:15, the bus, then another bus  
4 may come at 2:30, another bus may come at 2:45.

5 Q Okay.

6 A And I think at this site there's just like  
7 a bus release too, pretty much the same thing. One,  
8 and then another one, and another one. Yeah, they  
9 do.

10 Q What is the purpose of having staggered  
11 bus releases?

12 A Some of it may be because of bus drivers  
13 have other responsibilities of picking up other  
14 students. So they may come pick up our students  
15 first.

16 I'm not sure what the -- what the reason  
17 would be.

18 Q Does that ever require any students to be  
19 released before the end of the school day?

20 A Yes, it does.

21 Q And which sites is that, does that occur  
22 at?

23 A I want to think the Tift site there are a  
24 couple of students released before the end of the  
25 school day. I think.

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1 Q How long before those students are  
2 released?

3 A Maybe like 30 minutes.

4 Q Okay. Any other sites that you can think  
5 of?

6 A No.

7 Q You have been director of the Horizon  
8 GNETS program for 12 years, correct?

9 A That's correct.

10 Q While you have been director, what has  
11 been the longest length of stay for a student within  
12 the Horizon GNETS program that you can recall?

13 A Some of the life skill students, their  
14 stay is usually longer --

15 THE COURT REPORTER: I'm sorry. Some of  
16 the what students?

17 A Life skill students. Some of the life  
18 skills students, their stay is usually longer than  
19 the other students, lasts longer.

20 Some of them have been in the program, to  
21 my knowledge, like two, three years. Life skill  
22 students.

23 Q And you say that that two- to three-year  
24 stay is longer than students who are not life skill  
25 students?

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1 A Right. Longer than the others.

2 Q How long on average would you say students  
3 that are not life skill students remain in the  
4 Horizon GNETS program?

5 A Maybe two years. Maybe two years. I'm  
6 not sure.

7 Q Do you review data to assess and determine  
8 what average lengths of stay are for students in the  
9 Horizon GNETS program?

10 A We have -- I have in the past.

11 Q How long ago has it been since you've done  
12 that?

13 A It's been a while. Probably about three  
14 or four years since I've actually looked at that.

15 Let me back up.

16 We've had some students, I'm sorry, last  
17 year that graduated from the program. Now, I'm not  
18 sure if they were in the program from the beginning,  
19 but they graduated from the program.

20 Q Okay.

21 A So the length of stay, probably about --  
22 maybe five years. I'm not sure.

23 Q There are students that come into GNETS  
24 and then graduate from GNETS as opposed --

25 A Yes.

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1 Q -- to their home school system?

2 A Uh-hum. (Affirmative.)

3 (Whereupon, Plaintiff's Exhibit-743 was  
4 marked for identification.)

5 BY MS. GARDNER:

6 Q Let me show you what is marked as  
7 Plaintiff's Exhibit 743.

8 This is an email from you to Vickie  
9 Cleveland, dated November 20, 2020, with the subject  
10 "Apex Services."

11 The document is Bates-stamped GA00364202.

12 Do you recognize this?

13 A Yes.

14 Q We talked about Apex earlier, and so I  
15 want to just confirm, this is an email in which you  
16 are providing Ms. Cleveland with information about  
17 the number of students served through Apex at the  
18 Valdosta GNETS site; is that correct?

19 A Yes.

20 Q And as of November 20th, 2020, that was 11  
21 students?

22 A Yes.

23 Q What prompted you to send this information  
24 to Ms. Cleveland?

25 A I think she was doing a report. Some kind

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1 of report she was doing, I think.

2 Q Do students at the Horizon Valdosta GNETS  
3 center get school photos taken?

4 A You mean by the home school? What are you  
5 talking about?

6 Q During the course of the year, do they  
7 have a picture day? Do students get their --

8 A We contract someone to take pictures, do  
9 photos, yes. And sometimes someone will go back to  
10 their schools, their home school, and take a photo,  
11 so it's in their yearbook.

12 Q Does the Horizon GNETS program at Valdosta  
13 have its own yearbook?

14 A No, we do not.

15 Q What about at the Colquitt center, do they  
16 have a yearbook?

17 A No.

18 Q Are there school photos taken at the  
19 Colquitt center?

20 A I'm not sure if they take pictures or not.

21 Q We were talking earlier about the  
22 intensive intervention room here at the Colquitt  
23 site.

24 A Uh-hum. (Affirmative.)

25 Q And you mentioned that there were two

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1 interior closets in that room?

2 A Yes.

3 Q Do those closets have windows?

4 A I can't remember but I think so.

5 Q Are there locks on those closets?

6 A Yeah, there's a lock. A lock.

7 (Whereupon, Plaintiff's Exhibit-744 was  
8 marked for identification.)

9 BY MS. GARDNER:

10 Q I'll show you Plaintiff's Exhibit 744.

11 This is an email exchange between you and  
12 Nakeba Rahming from July 2016. The subject is: "Re  
13 URGENT."

14 The document is Bates-stamped GA00062781.

15 Do you recognize this?

16 A Vaguely.

17 Q In your email to Ms. Rahming you say: "Do  
18 we need to upload the SLO again or send a copy to  
19 you?"

20 Do you see that?

21 A Yes.

22 Q What is SOL mean?

23 A It's been so long, I don't even know.

24 Q Your email is in response to an email from  
25 Ms. Rahming in which she says: "I will need for you



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1 to send your reports with your SOL outcomes to the  
2 GaDOE portal."

3 A I think it was student learning outcome.  
4 I'm not sure that's, that's, that's...

5 Q And she notes that she would be  
6 aggregating and providing the data from these  
7 reports for the State Board of Education, correct?

8 A Uh-hum. (Affirmative.)

9 Q And that's why she was asking for that?

10 A Yes. Student learning objectives. That's  
11 what it is.

12 Q Okay. Student learning --

13 A We don't do that anymore. That's what  
14 that is.

15 Q What were student learning objectives?

16 A I can't remember.

17 Q When did you stop doing them?

18 A Oh, it's been years since we've done that.  
19 They did away with that.

20 I know it's been within the last, I think,  
21 five years, I want to think, because we haven't done  
22 those.

23 Q When you say "they did away with that,"  
24 who is "they"?

25 A I guess the State department. That's who

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1 we were doing it for. Something we would load in  
2 the portal.

3 Q The State Department of Education?

4 A Uh-hum. (Affirmative.)

5 Q A couple other questions.

6 The site visit that the United States  
7 conducted with its experts to the Horizon Valdosta  
8 site in May of 2022 --

9 A Uh-huh. (Affirmative.)

10 Q -- were you present on the actual day of  
11 that site visit in May of 2022?

12 A I was.

13 Q To the Horizon Valdosta site visit?

14 A Yes.

15 Q You were present?

16 A Yes.

17 Q And the United States had representatives  
18 at that visit?

19 A What do you mean?

20 Q I'm asking about the United States visit  
21 to the Horizon Valdosta facility in May of 2022. Do  
22 you understand that the United States visited the  
23 Horizon Valdosta facility with one of its experts in  
24 this litigation?

25 A I'm confused. That was not the visit for

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1 the -- that was not the facility visit?

2 Q So we reviewed a letter earlier that the  
3 United States --

4 A Right.

5 Q -- wrote about the condition of the  
6 Horizon GNETS --

7 A In May.

8 Q -- facility.

9 A I was present.

10 Q You were present for the United States  
11 visit of that facility?

12 A Yes.

13 Q Okay. And who else was present for that  
14 visit?

15 A I was present, Belinda Harris was present.  
16 She's the coordinator at the time.

17 THE WITNESS: I think you were present.

18 MR. NGUYEN: I can't help you answer.

19 Q Who else was present?

20 A There were a whole bunch of folks. I  
21 don't know who they were.

22 Q Was there anyone present from the Georgia  
23 Department of Education?

24 A I have no idea, but I think so. It was a  
25 whole bunch of people.

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1 Q In advance of the United States site  
2 visits to the Horizon GNETS program in 2022, how  
3 long before those site visits occurred did you learn  
4 that they would be happening?

5 A I'm not sure. I'm not sure.

6 Q Did you have any conversations with anyone  
7 on your staff about the visits in advance of the  
8 visits occurring?

9 A I did.

10 Q And who on your staff did you have  
11 conversations with about the visits?

12 A The entire staff.

13 Q What did you tell them?

14 A That we were going to have a site visit.

15 Q Anything else?

16 A Pretty much -- and I was not sure what  
17 they would be looking for but we were going to have  
18 a site visit.

19 Q Did you tell them who was conducting the  
20 site visit?

21 A I did not.

22 Q Were there any modifications made to any  
23 class schedules in advance of those site visits?

24 A No.

25 Q Were there any changes made to any

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1 students' schedules in advance of those site visits?

2 A No.

3 Q Did you or anyone on your staff have any  
4 conversations with students or their families about  
5 the site visits in advance of the site visits  
6 occurring?

7 A No.

8 Q I'm sorry, no?

9 A No.

10 Q Were any students invited or requested to  
11 stay home on the date of the site visits?

12 A No.

13 Q Did you or anyone on your staff have any  
14 conversations with anyone from the State about site  
15 visits before those visits occurred?

16 A What do you mean?

17 Q Did you or anyone on your staff have any  
18 conversations with anyone, for example, from the  
19 Georgia Department of Education, about the site  
20 visits before they occurred?

21 A No.

22 Q Any conversations about the site visits  
23 with any attorneys representing the State of  
24 Georgia, in advance of those site visits occurring?

25 A I'm not sure what you're saying. I'm not

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1 sure what you're asking.

2 Q I'm asking whether you had any  
3 conversations or whether any of your staff members  
4 had any conversations with anyone representing the  
5 State of Georgia about site visits that the United  
6 States might be conducting before those site visits  
7 occurred?

8 A I'm not sure.

9 Q You don't know if you had any of those  
10 conversations?

11 A I don't.

12 Q You don't remember?

13 A I don't remember.

14 Q The site visit to the Horizon GNETS  
15 facility at Valdosta that we talked about, that you  
16 said you were present for, were you present for the  
17 entirety of that site visit?

18 A I was.

19 Q In what ways, if any, do you think access  
20 to therapeutic services for students served in GNETS  
21 could be improved?

22 A I'm sure it could be, it could be  
23 improved, as far as what we're doing.

24 But I think it's a matter of funding, as  
25 far as -- that we would need to improve some of the

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1 services that we're doing, therapeutic services.

2 Q And assuming you had unlimited funding,  
3 what would you do to improve those services?

4 A Well, we're trying to be creative. We're  
5 doing some art therapy in-house. We've been doing  
6 some music therapy in-house. We've been doing  
7 drumming, which is a therapeutic service in-house.

8 Q Anything else that you would do if funding  
9 were no obstacle?

10 A No, I can't think right now.

11 MS. GARDNER: Okay. That's all of my  
12 questions.

13 THE WITNESS: Are you through?

14 MS. GARDNER: I'm through.

15 MR. NGUYEN: Javier?

16 EXAMINATION

17 BY MR. PICO PRATS:

18 Q Can you see me and can you hear me?

19 A Yes.

20 Q Good evening, sir. And I will be  
21 relatively brief, at least comparative.

22 There should be not very many questions I  
23 have.

24 Are you ready to get started?

25 A I can't understand.

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1 Q Are you ready to begin?

2 A Yes.

3 Q Can you hear me clearly?

4 A You're breaking up little bit but fairly.

5 Q Earlier in the deposition you discussed  
6 students being reintegrated into the general  
7 education programs. Do you remember this?

8 A Yes.

9 Q Would you agree that students  
10 reintegrated, student reintegration is fully relying  
11 on a student's individual IEP?

12 A Yes.

13 Q And who makes up an IEP team?

14 A Usually it's the classroom teacher,  
15 special education director, other related services,  
16 LEAs. Some time the administrator of the building.  
17 And then others are invited.

18 Q Is there anyone from the State of Georgia  
19 that's part of the team?

20 A At the IEP meeting?

21 Q Yes.

22 A No.

23 Q Are you aware of any instances in which a  
24 State employee participated in a decision for a  
25 student to receive GNETS services?



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1 A I can't -- you need to restate that.

2 Q Are you aware of an instance in which a  
3 State member, a State employee member was part of an  
4 IEP team?

5 A No, not to my knowledge.

6 Q Moving to -- do you have Exhibit 739 in  
7 front of you?

8 A Do I have what now?

9 MR. NGUYEN: 739.

10 Yes, he's got it right in front of him.

11 A I do.

12 Q If you please go to Page 2, and then No.  
13 5.

14 A Yes.

15 Q We earlier today, you remember Ms. Gardner  
16 having discussed this with you?

17 A Yes.

18 Q And it states that: "The action  
19 necessary/needed is more professional learning from  
20 the DOE up to the referral process and exit  
21 criteria." Correct?

22 A Yes.

23 Q And you mentioned that you believe that  
24 this has been accomplished since then, correct?

25 A Yes.

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1 Q And you think that it was done by the  
2 RESAs, correct?

3 A Some, yes.

4 Q Do you know if the State DOE had anything  
5 to do with telling the RESAs about additional  
6 professional learning?

7 A They did. We have a roundtable meeting in  
8 Macon from DOE, and at that roundtable meeting we  
9 had all of the RESAs and all the special ed  
10 directors and GNETS directors to hear that  
11 information from the State, and then that was going  
12 to trickle down to the RESAs.

13 Q And you think that this is now  
14 accomplished, correct?

15 A Yes.

16 Q Shifting gears, you talked about the  
17 length of stay for students in the GNETS program.  
18 Do you remember this?

19 A Repeat the question again.

20 Q Do you remember discussing earlier today  
21 about the average length of stays for students in  
22 the GNETS program?

23 A Yes.

24 Q Did the length of stay depend on a  
25 student's IEP?

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1 A Yes.

2 Q And, again, the GaDOE doesn't have  
3 anything to do with a student's IEP, correct?

4 A Yes.

5 Q And then one last -- few questions.

6 You discussed the bus routes and the  
7 length of bus rides earlier today, correct?

8 A Okay. I'm not aware of the length of the  
9 bus ride. I mean I don't -- I'm not aware of any  
10 lengthy bus rides, okay. Usually when there's a  
11 lengthy bus ride, then that's when we get involved  
12 because parents are involved. So I'm assuming that  
13 the bus rides are normal. I mean just, you know,  
14 what a normal bus ride would be.

15 Q Do you know who set the bus route?

16 A The Transportation Department and all of  
17 the assistants have a person that does the bus  
18 routes.

19 Q And you've never heard any complaints?

20 A I have not.

21 MR. PICO PRATS: That's all the questions  
22 I have then.

23 Thank you very much.

24 THE WITNESS: You're welcome.

25 THE VIDEOGRAPHER: Counsel, before we go

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1 off the record, copies of the transcript or  
2 video?

3 MS. GARDNER: We have a standing order, so  
4 we will want copies of the transcript and the  
5 video but Esquire should have our standing  
6 order.

7 MR. NGUYEN: I do not need a copy of the  
8 transcript or video at this time. The witness  
9 will read and sign.

10 So, Marcia -- Wanda, sorry, court  
11 reporter, will you just -- you've got my email,  
12 just send me the Veritext verification thing.  
13 I'll forward it to the witness.

14 THE COURT REPORTER: It isn't Veritext.  
15 It's Esquire.

16 MR. NGUYEN: I'm sorry. I didn't realize  
17 who it was.

18 THE COURT REPORTER: I don't have your --  
19 well, let's go off the record.

20 THE VIDEOGRAPHER: Just go off the record  
21 with no further questions.

22 The time is 6:32 p.m. on the Zoom, and we  
23 are going off the record.

24 (Whereupon, the deposition concluded at  
25 6:32 p.m.)

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C E R T I F I C A T E

STATE OF GEORGIA:

FULTON COUNTY:

I hereby certify that the foregoing transcript of SAMUEL CLEMONS, SR. was taken down, as stated in the caption, and the questions and answers thereto were reduced by stenographic means under my direction;

That the foregoing Pages 1 through 331 represent a true and correct transcript of the evidence given upon said hearing;

And I further certify that I am not of kin or counsel to the parties in this case; am not in the regular employ of counsel for any of said parties; nor am I in anywise interested in the result of said case.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 27th day of December, 2022.



Wanda L. Robinson, CRR, CCR No. B-1973  
My Commission Expires 10/11/2023

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D I S C L O S U R E

STATE OF GEORGIA ) VIDEOTAPE DEPOSITION OF  
FULTON COUNTY ) SAMUEL CLEMONS, SR. - 12/15/22  
Pursuant to Article 10.B of the Rules and  
Regulations of the Board of Court Reporting  
of the Judicial Council of Georgia, I make the  
following disclosure:

I am a Georgia certified court reporter.  
I am here as a representative of Esquire Deposition  
Solutions, LLC, and Esquire Deposition Solutions,  
LLC was contacted by the offices of U.S. Department  
of Justice Office to provide court reporter services  
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contract that is prohibited by O.C.G.A. 9-11-28 (c).

Esquire Deposition Solutions, LLC has no  
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3 DECLARATION UNDER PENALTY OF PERJURY

5 I declare under penalty of perjury that I  
6 have read the entire transcript of my deposition taken in  
7 the above-captioned matter or the same has been read to  
8 me, and the same is true and accurate, save and except  
9 for changes and/or corrections, if any, as indicated by  
10 me on the DEPOSITION ERRATA SHEET hereof, with the  
11 understanding that I offer these changes as if still  
12 under oath.

14 Signed on the \_\_\_\_\_ day  
15 of \_\_\_\_\_ 20\_\_.

19 \_\_\_\_\_  
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